



S 1768

Acts and Laws,

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England* : Begun and held at *Concord*, in the County of *Middlesex*, upon Wednesday the Thirtieth Day of *May*, 1764 ; and from thence continued by sundry Prorogations to Wednesday the Ninth Day of *January* following, and then met at *Boston*, in the County of *Suffolk*.



CHAP. I.

An Act for allowing necessary Supplies to the Eastern Indians, and for Regulating Trade with them, and preventing Abuses therein.

WHEREAS An Act intituled, " An Act for allowing necessary Supplies to the Eastern Indians, and for regulating Trade with them, and preventing Abuses therein," is near expiring, and it is expedient for his Majesty's Service that other Provision should be made instead thereof.

Preamble.

Be it enacted by the Governor, Council and House of Representatives, That Provisions, Cloathing and other suitable Supplies for a Trade with the Indians, be procured with the several Sums that have been, now are, or shall hereafter be granted for that Purpose by the General Court, and applied from Time to Time for supplying the said Indians as aforesaid ; by such Person or Persons as shall be annually chosen by the Court, who shall proceed according to the Instructions they shall receive from this Court, or from the Commander in Chief for the Time being, by and with the Advice of the Council on any Emergency in the Recess of the Court. *Provided*, such Instructions

Indians to be supplied by Persons appointed by the General Court

and Directions be consistent with such Instructions as are, or may be given by the General Court : And all Supplies of Cloathing, Provisions or other Necessaries, shall be lodged at such Places in the Eastern Parts of this Province, and elsewhere, as the General Court have ordered, or may hereafter order.

Truckmasters
how to be ap-
pointed.

to be under
Oath and give
Security.

their duty
prescribed.

no other Per-
sons in the
Truck Houses
permitted to
trade with the
Indians.

Penalty.

Prices of
Goods sold to
the Indians
and of Furrs
received from
them regula-
ted.

Truckmasters
to conform to
such Prices.

on Penalty of
£. 50, &c.

and to make
Oath to his
Accounts.

And be it further enacted, That a suitable Person be appointed by this Court for each of the Places where any of the Goods aforesaid are lodged, as Truckmasters for the management of the Trade with the Indians, and be paid for his Service such Sum or Sums as this Court shall judge reasonable for his Allowance in said Capacity : And in case of the Death or Removal of any one or more of said Truckmasters during the Recess of the Court, another shall be put in his Room by the Commander in Chief, with the Advice of the Council, and all Truckmasters shall be under Oath and give sufficient Security to the Province Treasurer for the faithful discharge of their Trust ; and shall observe the Instructions which from Time to Time shall be given them, and they shall not trade, either by themselves or by any Person under them, with the Indians, except it be in the Capacity of a Truckmaster, neither may any Officer or Soldier residing at or within any of the Truck-Houses, or any other Person in the Pay of this Government, either on Account of themselves or any other Person or Persons, presume to trade with the Indians on board any Ship or Vessel, or Transport in those Parts, for any of the aforementioned Goods ; nor shall it be lawful for any Person or Persons to sell, truck, barter or exchange with any Indian or Indians any Strong Beer, Cyder, Wine, Rum, Brandy or any other strong Liquors, Cloathing or any other Thing whatsoever the Indians may want, on Penalty of *forty Shillings*, or three Months Imprisonment for each and every Offence abovementioned.

And be it further enacted, That the said Truckmaster shall sell the Goods to the Indians at the Prices set in the Invoices sent them from Time to Time by the Commissary, which shall be the same which he gave for the Goods in the Town of *Boston*, with a reasonable Advance thereon sufficient to pay the Charge of Transportation, and all other Charges arising thereon, and shall allow the Indians for their Furrs and Peltry as the Market shall be at *Boston*, according to their several Qualities, by the latest Advices that they shall receive from the said Officer, who shall send the Prices to the several Truckmasters at least twice in a Year, *viz.* every Spring and Fall : And the Truckmasters may supply the Indians with Rum in moderate Quantities, as they shall in prudence judge convenient and necessary ; and in Case any of the Truckmasters shall presume to sell any Goods at higher Rates than they are set at by the Government, or shall charge the Government more for any Furrs or other Goods than they allowed the Indians therefor, such Truckmaster being convicted thereof, shall forfeit and pay the Sum of *Fifty Pounds*, and shall thenceforth be altogether disabled to hold or exercise any Office within this Government. And the more effectually to prevent or detect any such pernicious Practices, each and every Truckmaster, when and so often as he shall settle and adjust his Accounts with the said Officer appointed by this Court for supplying the Indians, (which shall be at least once in a Year, and oftner if required) shall make Oath before the said Officer, who is hereby authorized and appointed to administer the same in manner following, *viz.* You

Trade with the Indians.

You A. B. do Swear, that the Goods committed to you for the supply of the Indians, have been sold at no higher Rate than they were set at by the Government, and that you have charged for the Furs and Goods you have made Return of, no more than you have paid the Indians for them; and that neither you nor any one under you or by your Connivance, have on your private Account made any Trade or Barter with the Indians since the Commencement of this Act.

Truckmasters
Oath.

So Help you GOD.

And for the better discovery of such ill-disposed Persons who through greediness of filthy Lucre, and regardless of the public Good, shall privately sell or deliver any sort of strong Drink to any Indian or Indians, of which it is difficult to obtain positive Evidence, other than the Accusation of such Indian or Indians.

Be it further enacted, That the Accusation and Affirmation of any Indian or Indians (the Accuser and the Accused being brought face to face at the Time of Trial) shall be accounted and held to be a legal Conviction of the Person accused of giving, selling or delivering strong Drink to such Indian or Indians, unless the Person accused shall acquit himself upon Oath, which the Court in all such Cases are hereby empowered to administer in the Form following, viz.

Method of
Conviction of
privately sel-
ling strong
Drink to the
Indians.

You A. B. do Swear, that neither yourself, nor any other by your Order, general or particular Assent, Privy, Knowledge or Allowance, directly or indirectly, did give, sell or deliver any Wine, Cyder, Rum or other strong Liquors or Drink, by what Name or Name soever called or known, unto the Indian by whom or whereof you are now accused.

So Help you GOD.

And be it further enacted, That upon the Complaint or Information of any other Person for the Breach of this Law, there being such Circumstances as render it highly probable in the Judgment of the Justice of the Peace before whom the Trial shall be, that the Person complained of is guilty of the Breach of the said Act, then and in every such Case, unless the Defendant shall acquit himself upon Oath (to be administered to him by the Justice before whom the Trial shall be) the same shall be accounted a legal Conviction of the Defendant for the Breach of this Law, of which he or they shall be accused, and he or they shall pay and suffer the Penalty already by this Act provided; but in case the Defendant shall acquit himself upon Oath, to be administered to him as aforesaid, that then he shall recover against the Complainant double his Cost occasioned by such Prosecution.

Defendant
may acquit
himself upon
Oath.

And whereas many Complaints have been made by the Indians respecting the English Hunters destroying Beaver and other Furr, also the Beaver Dams, and there being danger of great Mischief ensuing therefrom.

Preamble.

Be it therefore further enacted, That no Person or Persons other than Indians, from and after the twentieth Day of June next, shall hunt or take any Beaver, Sables or other Furrs to the Northward or Eastward of Saco Truck-House, or the Place where the said Truck-House stood

English Hun-
ters restrained
from Hunting
Beaver, &c.

except

Method of
Conviction.

except in the Towns or Plantations where they dwell, on Penalty of *forty Shillings* for every such Offence, to be recovered by Complaint to a Justice of the Peace in manner aforesaid : And in case any such Furr be found in the Possession of any Person or Persons who has hunted contrary to this Act, and who cannot give a satisfactory Account to the Justice of the Peace before whom the Trial may be, how they came by the same, it shall be a sufficient Evidence to convict such Person or Persons of a Breach of this Act, and he or they shall forfeit the said Furr, and incur the Penalty aforesaid.

Forfeiture.

Penalties ap-
plied.

And be it further enacted, That the Fines and Penalties incurred by this Act shall be disposed of, one half to the Informer, and the other half to be paid to the Truckmaster (in whose District the same may be tried) for the Relief of Indian Widows and Children who may most stand in need of the same.

Penalty for
false Swearing

And be it further enacted, That if any Person or Persons shall hereafter be convicted of false Swearing in any Case in this Act mentioned, he or they shall be liable to the same Pains and Penalties as is already by Law provided against wilful Perjury.

Proviso for
Persons to
trade with the
Indians, being
licensed.

Provided nevertheless, That it shall and may be lawful to and for the Governor, or Commandar in Chief for the Time being, by and with the Advice of his Majesty's Council, to grant Licences unto such Persons as they shall find it necessary to trade with the Indians ; such Persons so Licenced giving Bond with sufficient Bondsmen, in a competent Penalty, to conform to such Regulations, Limitations and Restrictions, as the Governor with the Advice of the Council shall determine.

Limitation of
the Act.

This Act to continue and be in force for one Year from the end of the Session of the General Court in *May*, One Thousand Seven Hundred and sixty-five.



C H A P. II.

An Act for preventing Fraud in Debtors, and for securing the Effects of Insolvent Debtors for the Benefit of their Creditors.

WHEREAS it has sometimes happened that Persons have absconded or concealed themselves to avoid Arrests from their Creditors, and the Effects of such Persons have been attached, and Actions have been brought against their Debtors, as Trustees of such absconding or concealed Persons, by means whereof great Inequality and Injustice has been occasioned to the Creditors, and Law-Suits have been greatly multiplied. For Prevention whereof for the future ;

Preamble.

Be it enacted by the Governor, Council and House of Representatives, That it shall and may be lawful for any one of the Justices of the Superior Court of Judicature Court of Assize and General Goal Delivery, upon Application made in Writing, by any Creditor for not less than thirty Pounds, or Creditors for not less than sixty Pounds, of any Person or Persons who shall appear to the Satisfaction of such Justice to have absconded or concealed themselves to avoid the Arrests of their Creditors, to issue a Warrant directed to all and every the Sheriffs, their Under Sheriffs and Deputies within this Province, requiring them in His Majesty's Name to attach seize take and keep all the Goods, Chattles and Estate Real, Personal and mixt of what Nature or kind soever within their respective Bailywicks of such absconding Debtor or Debtors, for the use and Benefit of his or their Creditors. And any part of such Estate which may be taken in pursuance of such Warrant, and which shall be of a perishable Nature, and shall be proved to be actually in a perishing state before the Justice from whom such Warrant shall issue, shall and may be forthwith sold by the Officer taking the same, for the most the same will fetch. And Notice shall be forthwith given by such Justice in the *Massachusetts-Gazette*, published next after the issuing such Warrant, or as soon as may be, and for three Weeks successively, that the Effects of such absconding or concealed Debtor or Debtors are directed to be attached seized and taken ; and that unless such Debtor or Debtors shall return or appear and discharge his or their just Debts, or give Security to the satisfaction of the Creditors for Payment thereof within three Months from the date of such Warrant, all the Estate ordered to be so attached seized and taken will be sold for the Benefit of the Creditors.

One Justice of the Superior Court in certain Cases to issue a Warrant for seizing all Estate of an absconding Debtor.

if of a perishable nature may be sold.

Public Notice to be given of the Attachments of such absconding Debtors Estate

And be it further enacted, That every Person whose Effects shall be directed to be so attached seized and taken be, and is hereby declared to have been immediately from and after their absconding or concealing themselves as aforesaid, incapable of alienating any part of their Effects or Estate of what nature or kind soever, and all Assignments, Transfers, Conveyances or Alienations afterwards made by such Person or Persons are hereby declared to be null and void, and all Summons and Attachments which shall at any Time after such Absconding or Concealment, be served upon any Debtor or Trustee of such Person or Persons by

Such Debtors incapable of alienating their Effects.

All other Attachments to enure the Benefit of the Creditors.

M m m

Provifo.

virtue of an Act or Law of this Province intituled, An Act to enable Creditors to receive their just Debts out of the Effects of their absent or absconding Debtors, shall enure to the use and benefit of all the Creditors of such absconding and concealed Debtor or Debtors in just Proportion. *Provided nevertheless*, and it is hereby declared, that no Attachments, Summons on the absconding Act or other Process whatsoever already commenced, shall be affected by this Act, but the Creditors therein shall have such and the like Remedy thereon as if this Act had never been made, nor shall any Assignments, Transfers, Conveyances or Alienations, *bona fide* made before the passing this Act be understood to be affected thereby.

Trustees to be appointed if such absconding Debtor shall not appear within three Months.

And be it further enacted, That if any absconding or concealed Debtor or Debtors, whose Effects and Estate shall be directed to be attached, seized and taken as aforesaid, shall not before the expiration of three Months as aforesaid return, or appear and discharge their just Debts, or give Security for the Discharge thereof, to the Satisfaction of their Creditors, it shall and may be lawful for the Justice who shall have issued such Warrant, to appoint three of the Creditors of such absconding or concealed Debtor or Debtors, to be Trustees of their Estate.

Provifo in case such Debtor is willing to surrender his Effects.

Provided always, And be it accordingly enacted, That if any concealed Debtor or Debtors, shall by writing under their Hands signify to the Justice issuing the Warrant aforesaid, their Willingness to surrender up all their Effects, and shall desire that Trustees may be forthwith appointed, it shall be lawful for such Justice forthwith to appoint the same, and the Advertisement to Surrender shall thereupon be discontinued.

Trustees to give Public Notice ;

Creditors may approve or not, of such Trustees.

may give in their Claims.

And be it further enacted, That the Trustees so appointed shall as soon as may be, notify in the *Massachusetts-Gazette* three Weeks successively, Time and Place for a Meeting of the Creditors of such absconding or concealed Person or Persons, such Meeting to be held within one Month from the date of such Notification ; and it shall and may be lawful for the major Part of the Creditors present at such Meeting to approve or disapprove of all or any of the Trustees so appointed, and to chuse others in the room of such as may be disapproved ; and the Trustees who shall be approved or chosen at this Meeting shall be sworn before the Justice issuing such Warrant, or before a Justice of the Peace, to the faithful discharge of their Trust, and the Power of the Trustee or Trustees first appointed and disapproved shall then determine and cease. And the Creditors may thereupon give in to the Trustees their respective Claims and Demands, then due and payable, or which may become due or payable at a future Day upon or against the Debtor.

Trustees to receive the Estate of the Sheriffs and all Books and Papers.

to adjust all Accounts.

And be it further enacted, That the Trustees so approved or so chosen and sworn, shall be and hereby are authorized and empowered to receive from the Sheriffs, Under-Sheriffs and Deputies, and from all other Persons whatsoever, all the Effects and Estate of every kind of such absconding or concealed Debtor or Debtors, and also all their Books of Accounts, and all Papers necessary for discovering the true state of the Business and Dealing of such absconding or concealed Debtor or Debtors : And also to settle and adjust all Matters and Accounts unsettled between such absconding or concealed Debtor or Debtors, and any of their Creditors,

Insolvent Debtors.

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ditors ; and to commence and prosecute to final Judgment and Execution any Action or Actions in the Law for the Recovery of any Debts, Effects or Estate whatsoever, of such Debtor or Debtors, as fully to all Intents and Purposes as they themselves might have done if this Act had not been made and passed ; and with the Consent of the major part of the Creditors present, at any Meeting duly notified, to submit to Arbitration any Matters in dispute between such Debtor or Debtors, and any of their supposed Debtors, and with the like Consent to compromise or make Abatement upon any Claim or supposed Debt.

Trustees to sue

and with the consent of the major part of the Creditors to submit to Arbitration.

And that the whole Estate may be converted into Money as soon as may be, the said Trustees are hereby authorized and impowered to make sale of every Part thereof, to redeem all Mortgages and conditional Contracts, and also to grant, bargain, sell and convey to any Person or Persons whomsoever, any Lands, Tenements, or Hereditaments, whereof such absconding or concealed Debtor or Debtors shall be seized, in Possession, Reversion, or Remainder, as of an Estate in Fee Simple, or an Estate for Life or Years, and also all their Right, Title and Interest, for the Term of their own Lives in any entailed Estate, and to execute good and sufficient Deeds therefor. *Provided always*, That the Right of Dower, of the Wife of any such Debtor shall not pass without her free and voluntary Consent in Writing signified thereto.

Estate to be converted into Money, and Mortgages to be redeemed.

What Estates shall be taken for the Creditors.

Wife's Right of Dower excepted.

And be it further enacted, That it shall and may be lawful for a Justice of the Peace, upon Application made to him for that Purpose by the Trustees, to convene before him the Wife, or any one of the Family of any such absconding or concealed Debtor or Debtors, or any other Person suspected of concealing or embezzling any Part of such Debtors Effects, or of being privy or knowing to any Concealment or Embezzlement, or to any private Trade or Dealing of such Debtor or Debtors : And such Justice of the Peace, the said Trustees being present, shall examine such Person so convened upon Oath, touching all Matters respecting the Effects or Estate, the trade or dealing of such Debtor or Debtors, and shall take down such Examination in Writing, and cause the Person so examined to sign the same : And if any such Person shall refuse to submit to an Examination or to sign the same, such Justice of the Peace is hereby impowered to commit such Person to Prison, there to remain until he or she shall comply, or shall be discharged by the consent of the said Trustees, or by one of the Justices of the Superior Court of Judicature, Court of Assize and General Goal Delivery by Judgment upon Writ of *Habeas Corpus*.

A Justice of the Peace to examine the Wife or any the Family.

Trustees to be present.

Penalty for refusing to submit to Examination.

And be it further enacted, That the Trustees aforesaid shall by Advertisement in three *Massachusetts-Gazettes* successively, seasonably notify another Meeting of the Creditors of such absconding or concealed Debtor or Debtors, to be held at the Expiration of six Months from and after the first Meeting aforesaid, and in like Manner at the End of six Months more another Meeting, at either of which Meetings any Creditors who have not given in their Claims before, may then exhibit the same. And the said Trustees are also impowered from Time to Time to call other Meetings of the Creditors in like Manner, or to continue any Meetings with the Consent of the major Part of the Creditors present by Adjournments, as there may be special Occasions therefor.

Trustees to notify Meetings of the Creditors.

And

Trustees to
make a Divi-
dend in 18
Months.

And be it further enacted, That at the Expiration of eighteen Months from the appointment of such Trustees, they shall make a Dividend of the Effects of such absconding or concealed Debtor or Debtors, so far as shall have then come to the Hands of such Trustees and been converted into Money, each Creditor to receive of said Dividend in proportion to the Debt which shall have been proved and allowed; and at the End of six Months more or sooner if it shall appear to the Trustees that the whole Estate is received, a further Dividend shall be in like Manner made of any further Effects which may have come to the Hands of such Trustees since the former Dividend, and so at the End of every six Months or sooner, until the whole Effects shall be distributed.

major Part of
the Creditors
impowered to
discharge the
Debtor.

Proviso.

And be it further enacted, That if any absconding or concealed Debtor or Debtors shall at any Time after the Appointment of Trustees and the Meetings of the Creditors as aforesaid, offer to surrender themselves and disclose and also deliver up their whole Estate if any shall remain in their Hands, and the major Part of the Creditors in Number and Value shall in order to the Discharge of such Debtor or Debtors, present a Petition to any two of the Justices of the Superiour Court of Judicature, Court of Assize, and General Goal Delivery, it shall and may be lawful for such two Justices if no just Objection be offered, to discharge such Debtor or Debtors accordingly; and pending such Petition their Bodies shall be free from Arrests, as also pending any Examination before the Trustees from Time to Time as may be necessary. *Provided always,* That a Day be first appointed by such Justices and public Notice thereof be given in the *Massachusetts-Gazette* to the Creditors of such Debtor or Debtors, that they or any of them may then offer their Objections, if any they have, why such Debtor or Debtors should not be discharged. *Provided also,* That every such Debtor shall first take before the said Justices the following Oath, *Viz,*

Debtors Oath.

You A. B. do solemnly Swear, that the Inventory and Account by you delivered is a just and true Account of all your Estate Real, Personal and mixt, both in Law and Equity either in Possession Reversion or Remainder, the necessary wearing Apparel and Bedding of yourself, Wife and Children excepted, and that you have not directly or indirectly Sold, Leased Assigned, or otherwise disposed or made over either in Trust for yourself or otherwise, except as set forth in the same Account, any Part of your Estate Real Personal or Mixt for your future Benefit, or in order to defraud your Creditors.

So Help you GOD.

Debtor discharged upon
Certificate.

And where there shall be no Wife or no Children, those Words Wife and Children respectively shall be omitted. And a Certificate being given by the said two Justices that such Debtor is discharged, every such Debtor is hereby declared to be discharged from all Debts due or contracted before his or her Absconding or Concealment as aforesaid, and if prosecuted for any such Debt or Contract may plead the general issue and give the special Matter in Evidence.

Controversies
how to be de-
termined.

And be it further enacted, That if any Controversy shall arise at any of the Meetings of the Creditors as aforesaid, relating to the Debts of any Creditors, such Controversy shall be determined in the following Manner.
The

The Trustees shall nominate two Referees, not being Creditors of the Debtor or Debtors who had Absconded or Concealed themselves, and the Creditor whose Debt is in Controversy shall in like Manner nominate two others, and their Names shall be separately written on four pieces of Paper as nearly alike as may be, which shall be rolled up and put into a covered Box and from thence one of the Trustees shall draw out three of the said Pieces of Paper, and the Persons whose Names are so drawn, or the major Part of the whole having given their voice shall finally settle such Controversy; and if any one or more of such Referees so appointed shall refuse or be incapable of acting in a reasonable Time, a new Choice shall be made by a Nomination of four other Referees, their Names to be put in a Box in like Manner as the former, and one or more according to the number refusing shall be drawn out, and so from Time to Time, until Referees shall be thus chosen who shall be willing and able to serve, and in Case any such Creditor shall refuse to nominate Referees on his Part, the Trustees are hereby impowered to nominate them in his Stead.

Trustees to nominate Referees in Matters of Controversy.

And be it further enacted, That any Powers by this Act given to Trustees, shall and may be executed by any two of them, and shall be construed and understood in all Cases accordingly, and any Person being of the People called *Quakers*, may and shall be allowed when any Oath is required by this Act to make solemn Affirmation instead thereof.

Two Trustees may act.

Quakers Affirmation may be received.

And be it further enacted, That if any Creditor of such absconding or concealed Debtor or Debtors, shall neglect or refuse to give Notice of and prove his Debt within eighteen Months after the Appointment of Trustees as aforesaid, and before a Dividend be made, such Creditor shall be ever after debarred from receiving his Debt, unless the whole of the Estate shall not have been received and divided, and unless such Creditor shall before a second Dividend be made prove his Debt, and in such Case such Creditor shall before the second Dividend be made, have the Sum he would have been intitled to on the first Dividend, or so much thereof as shall be in the Hands of the Trustees, and if more than one Creditor shall have so neglected, and there shall not be enough in the Hands of the Trustees to pay to all of them the full of their Dividend, each shall be paid in proportion.

Creditors after 18 Months neglect, excluded,

unless before a second Dividend he shall prove his Debt.

Provided always, *And be it further enacted,* That before any Dividend be made, a Bill of Costs and necessary Charges and reasonable Commissions for said Trustees, shall by them be presented to one or more of the Justices of the Superior Court of Judicature, Court of Assize, and General Goal Delivery, who shall tax the same, and such Costs and Charges so taxed, and also all Debts due to His Majesty, his Heirs and Successors, and all Debts due to this Government, and also such Sum as the major Part of the Creditors at the last Meeting before a Dividend shall be made, shall agree to allow to the Debtor or Debtors, who shall have appeared and surrendered up their Effects and taken the Oath required by this Act, not exceeding in any Case ten *per Cent.* upon their whole Effects shall be first deducted and paid before the Dividend be made to the Creditors.

Proviso, for allowing Costs and necessary Charges,

and for Allowance to be made to the Debtor.

And be it further enacted, That it shall and may be lawful for the Trustees aforesaid in the Execution of their Trust by Warrant had from

Trustees allowed by War-

Warrant from a Justice to break open the Debtors House, &c. a Justice of the Peace, directed to the Sheriff, his Under Sheriff or Deputy, to cause to be broke open and enter'd the Dwelling Houses, Shops, Warehouses, or other Houses of any such absconding or concealed Debtor or Debtors, and to cause to be open'd any Trunks or Chests, or other close or locked Places, where any Part of their Goods or Estate shall be

Debtors Body secured in such case from Arrest. or be reputed to be; *Provided always*, That the the Body of such Debtor in their own Houses, shall not by or in Consequence of the Execution of such Warrant be liable to any Arrest of the Creditors.

Penalty for false Swearing and for concealing Estate or Effects. *And be it further enacted*, That if any Person shall be convicted of wilfully affirming or Swearing falsely in any Case where an Affirmation or Oath is required or allowed by this Act, the Person so offending shall suffer as in Case of Wilful Perjury. And in Case any such Debtor who shall take the Oath required by this Act, and shall thereupon be discharged, shall be convicted of concealing any Part of his Estate or Effects, with an intent to Defraud the Creditors, such Debtor shall be deemed and adjudged guilty of Felony without benefit of Clergy, and shall suffer accordingly.

Limitation. This Act to Continue and be in Force for three Years from the Twelfth Day of *March*, One Thousand Seven Hundred and Sixty-five.

C H A P. III.

An Act for Establishing and Regulating the Fees of the several Officers within this Province, hereafter mentioned.

Fees established. *BE it enacted by the Governor, Council, and House of Representatives*, in General Court assembled, That from and after the End of the Session of the General Court in *May*, One Thousand Seven Hundred and Sixty-Five, the Establishment of the Fees belonging to the several Officers hereafter mentioned in this Province be as followeth, *Viz.*

Justices Fees.

Justices Fees. **F**OR every Writ of Attachment, or original Summons, *one Shilling*.
Summons upon a Capias or Attachment, *six Pence*.
Subpæna for each Witness, *one Penny half Penny*.
Entering an Action or filing a Complaint in Civil Causes, *two Shillings*.
Writ of Execution, *one Shilling and four Pence*.
Filing Papers, each *a Penny half Penny*.
Taxing a Bill of Costs, *three Pence*.
Entering up Judgment in Civil or Criminal Causes, *nine Pence*.
Copy of every evidence, original Papers, or Records, *eight Pence* per Page for each Page of twenty eight Lines, eight Words in a Line. If less than a Page, *four Pence*.
A Recognizance or Bond of Appeal, including Principal and Sureties, *one Shilling*.

Taking

Regulation of Fees.

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Taking Affidavits out of their own Courts in order for the Trial of any Cause, *one Shilling*; and *one Shilling and six Pence* for his Travel every ten Miles, and so in Proportion; his Travel to be certified on the Affidavit.

Taking Affidavits in *Perpetuam*, to each Justice, *one Shilling*.

For every Oath administered to one or more Witnesses before Referees or Arbitrators, *one Shilling*.

For Travel the same as in taking Affidavits.

Swearing Persons appointed to appraise Estates, or to appraise and divide Real Estates, together with Certificates, *one Shilling and six Pence*.

Taking an Acknowledgement with one or more Seals, provided at one and the same Time, *one Shilling*.

Receiving a Complaint and issuing a Warrant in Criminal Cases, *one Shilling and six Pence*.

Entering a Complaint, making up Judgment thereon, the same as in Civil Causes.

For granting a Warrant, Swearing Appraisers relating to Strays, and entering the same, *one Shilling and six Pence*.

For Affidavits in all other Cases with Certificates, and examining except Oaths to be administered to Town, District, and Precinct Officers, *eight Pence*.

Coroners Fees.

FOR serving a Writ, Summons or Execution and Travelling Fees, the same as by this Act hereafter allowed to Sheriffs Bail Bonds, *one Shilling*. Coroners Fees

Every Trial where the Sheriff is concerned, *eight Pence*.

For attending the Jury, *one Shilling*.

For granting a Warrant and taking an Inquisition, (to be paid out of the deceased's Estate) *six Shillings*. If more than one at the same Time, *seven Shillings and six Pence*, in the whole. If no Estate, then to be paid out of the County Treasury.

For Travelling and Expences for taking an Inquisition, each Day *four Shillings*.

The Foreman of the Jury, *three Shillings*, and ten Miles accounted a Day's Travel, *one Shilling* per Day.

Every other Juror, *two Shillings and six Pence*, and Travel the same as the Foreman.

The Constable for his Expences, summoning the Jury and Attendance, *four Shillings* per Day.

Judge of Probates and Registers Fees.

FOR granting Administration, to the Judge *three Shillings*.

To the Register for writing Letter and Bond of Administration, *two Shillings and six Pence*. Judge of Probate and Registers Fees.

For appointing or allowing Guardians to Minors, *two Shillings* to the Judge, and for writing Bond, Letter of Guardianship, and Recording Letter, *three Shillings* to the Register for every Minor.

Proving a Will or Codicil, to the Judge *three Shillings and six Pence*; to the Register, *two Shillings and six Pence*.

For examining and allowing Inventory, and Swearing the Executor or Executors, Administrator or Administrators, *one Shilling* to the Judge.

Recording

Recording a Will, Letter of Administration or Guardianship, Inventory or Account of one Page, and filing the same, *one Shilling and three Pence*. For every Page more of twenty-eight Lines of eight Words in a Line, *eight Pence*.

For Copy of a Will and Inventory for each Page, and other Office Copies, *eight Pence*.

Allowing Accounts, *three Shillings* to the Judge: Decree for settling Intestate Estates, to the Judge, *three Shillings*,

For examining such Accounts, *one Shilling*,

A Citation *nine Pence*.

A Quietus, to the Judge *one Shilling*: To the Register *one Shilling*.

Warrant or Commission for appraising or dividing Estates, *one Shilling and six Pence* to the Judge: To the Register *one Shilling*.

Making out Commission to receive and examine the Claims of Creditors to Insolvent Estates, to the Judge *one Shilling*: To the Register *one Shilling*.

For Recording, *eight Pence* each Page.

Registering the Commissioners Report, each Page *eight Pence*.

Making out and entering an Order upon the Administrators for the Distribution of the Estate, to the Judge *one Shilling and six Pence*: To the Register *one Shilling*.

For proportioning such Estate among the Creditors, agreeable to the Commissioners Return when the Estate does not exceed *fifty Pounds*, *three Shillings*; and if above that Sum *four Shillings* for the whole. For Recording the same *eight Pence* per Page.

And be it further enacted, That whenever any Fees shall be paid in the Probate Office for the Probate of a Will, and Letters Testamentary, or for granting Letters of Administration, or Letters of Guardianship, or for any Matter or Thing from Time to Time, arising in Consequence of such Letters Testamentary, or Letters of Administration, or Letters of Guardianship, and until the Estate upon which they are respectively granted shall be fully settled, a particular Account of such Fees before Payment shall if demanded, be by the Register or Judge set down in Writing and given to the Person paying the same. And any such Fees received without being thus ascertained in Writing shall be deemed illegal Fees, and the Person receiving the same shall forfeit and suffer accordingly.

In the Superiour Court.

Justices Fees.

Justices of
the Superior
Courts Fees.

Entering an Action, *six Shillings and eight Pence*.

Taking special Bail, *one Shilling and six Pence*.

Allowing a Writ of Error, *two Shillings*.

Allowing a Habeas Corpus, *one Shilling and four Pence*.

Taxing a Bill of Cost, *eight Pence*.

For entering a Petition and making order thereon for the Sale or Partition of Real Estates, and giving a Copy of the same, *seven Shillings* in the whole; the Clerk to be paid for Recording as usual.

Granting a Writ of Protection, *one Shilling*.

Clerks

Regulation of Fees.

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Clerks Fees.

A Writ of Review, *three Shillings*,
 A Writ of Scire Facias, *two Shillings*.
 A Writ of Execution, *one Shilling and six Pence*.
 A Writ of Facias Habere Possessionem, *two Shillings and six Pence*.
 A Writ of Habeas Corpus, *two Shillings*.
 Copies of all Records each Page of twenty-eight Lines, eight Words in a Line, *nine Pence*; less than a Page, *six Pence*.
 Entering each Action for Trial, *four Shillings*.
 Entering each Complaint, *two Shillings*.
 Receiving and recording a Verdict, *one Shilling*.
 Entering a Rule of Court, *nine Pence*.
 Confessing Judgment or Default, *one Shilling*.
 Every Action withdrawn, or Nonsuit, *one Shilling*.
 Entering an Appearance, *six Pence*.
 Acknowledging Satisfaction of a Judgment on Record, *eight Pence*.
 Examining each Bill of Cost, *eight Pence*.
 Continuing each Cause, and entering the same next Term, *one Shilling*.
 Filing each Paper in each Cause, *one Penny half Penny*.
 Proving a Deed in Court, and certifying the same, *one Shilling*.
 Entering up Judgment, and recording the same at large, *two Shillings*.
 For each *Venire*, to be paid out of the County Treasurie's respectively on the Justices Certificate, *three Pence*.
 Every Writ and Seal other than before mentioned, *two Shillings*.
Sub Pena for each Witness, *one Penny half Penny*,
 Each Recognizance, including Principal and Sureties, *one Shilling*.
 A Writ of Protection, *one Shilling*.

Clerks Fees.

In the Inferiour Court of Common Pleas.

Justices Fees.

Entering of every Action, *five Shillings and four Pence*.
 Taxing a Bill of Cost, *six Pence*.
 Taking a Recognizance on Appeals including Principal and Sureties, *one Shilling*.
 Proving a Deed, *one Shilling*.
 Granting a Writ of Protection, *one Shilling*.

Justices of the
Inferior
Courts Fees.

Clerks Fees.

Every Action entered, *one Shilling and four Pence*.
 Every Writ and Summons, *six Pence*.
 Every Appearance, *four Pence*.
 Entering and Recording a Verdict, *eight Pence*.
 Recording a Judgment, *one Shilling*.
 Copies of all Records, each Page of twenty-eight Lines eight Words in a Line, *eight Pence*.
 Every Action withdrawn or Non-suit, *eight Pence*.
 Every Execution, *one Shilling and four Pence*.

Clerks Fees.

O o o

Confessing

Regulation of Fees.

Confessing Judgment or Default, *eight Pence.*

Acknowledging Satisfaction of a Judgment on Record, *eight Pence.*

Continuing each Cause and entering at the next Term, *eight Pence.*

Each Recognizance including Principal and Sureties, *one Shilling.*

Examining each Bill of Costs, *six Pence.*

Each *Venire* to be paid out of the County Treasuries respectively, by order of the Court, *three Pence.*

Writ of *Facias Habere Possessionem*, *two Shillings.*

Filing each Paper, *one Penny half Penny.*

A Writ of Protection, *one Shilling.*

Attornies Fees, and Allowance to Parties and Witnesses.

Attornys Fees.

ATtorney's Fees, *Viz.* In the Superior Court in a Cause tried by a Jury, *twelve Shillings*; in other Causes in said Courts, and in all Causes in the Inferior Court, *six Shillings.*

To Parties recovering Costs, and to Witnesses in Civil and Criminal Causes, whether in the Superior or Inferior Courts, or Courts of General Sessions of the Peace, or before a Justice, *one Shilling and six Pence* for each Days Attendance and Travel, ten Miles Travel to be accounted as one Day; No Allowance to be made to Parties for Travel to or from the Clerks Office in order to take out a Writ or Summons, or carry the same to the Office.

In the Court of General Sessions of the Peace.

Court of General Sessions of the Peace.

TO Each Justice for every Day's constant Attendance in Court, *three Shillings* to all Justices in the Shire Town, or within ten Miles of the Court-House, and to all others, *four Shillings* per Day; to be paid out of the County Treasury; the Clerk to keep an exact Account of their Attendance as aforesaid, and all Fines and Forfeitures to be paid into the County Treasury for the use of the County.

For granting every Licence to Retailers and Inholders, and taking their several Recognizances, including Principal and Sureties, *six Shillings* in the whole, one Third thereof to the Clerk, the other two Thirds thereof to be paid into the respective County Treasuries.

Each Recognizance in Criminal Causes, including Principal and Sureties, *one Shilling.*

Clerk of the Sessions Fees.

Clerk's Fees.

ENtring a Complaint or Indictment, *one Shilling and four Pence.*

Discharging a Recognizance, *eight Pence.*

Each Warrant for Criminals, *one Shilling.*

Every Summons or Sub-pœna, *two Pence.*

Every Recognizance, including Principal and Sureties, *one Shilling.*

Entring up Judgment, or entring Satisfaction of Judgment on Record, *one Shilling.*

Warrant for County Tax, *one Shilling.*

For minuting the Receipts of each Petition, and Order thereon and Recording, *eight Pence* per Page, as before.

Examining and casting the Grand Jury's Accounts yearly and order thereon, to be paid by the County Treasurer by order of the Court of Sessions, *one Shilling and six Pence.*

For

Regulation of Fees.

For Copies of all Records or original Papers, *eight Pence*, per Page as before.

For Filing each Paper, *one Penny*.

For transmitting to the Selectmen of each Town in the County, a List of the Names of the Persons in such Town licensed the Year before, *three Pence*, to be paid by each Person licensed, and no more.

Fees for Registering Ships and other Vessels, agreeable to Act of Parliament.

FOR each Register, (exclusive of Collector's Fees) *five Shillings*.

Registers Fees.

Fees in the Secretary's Office.

FOR Certificates under the Province Seal, *five Shillings* in the whole, *two Shillings* thereof to the Secretary.

Fees for the Secretary's Office.

For Warrants of Apprizement, Survey, &c. *six Shillings* in the whole, *three Shillings* thereof to the Secretary.

For a Certificate of Naval Stores, *three Shillings* in the whole.

For engrossing the Acts or Laws of the General Assembly, *six Shillings* each, to be paid out of the public Revenue.

Every Commission for the Justices of each County, and Commission of Oyer and Terminer, *six Shillings and eight Pence*, to be paid out of the public Revenue.

Special Warrants or Mittimus by order of the Governor and Council, each *two Shillings and six Pence*.

Every Commission under the Great Seal for Places of Profit, *six Shillings and eight Pence*, to be paid by the Person Commissionated.

Every Bond, *three Shillings*.

Every order of Council to the benefit of particular Persons, *two Shillings*.

Every Writ for electing of Representatives to serve in the General Court, directed to the Sheriff or Marshal under the Province Seal, *five Shillings*, to be paid out of the Public Revenue.

For transcribing the Acts or Laws passed by the General Assembly into a Book, *eight Pence* per Page, each Page to contain twenty-eight Lines, eight Words in a Line, and so proportionably, to be paid out of the Public Revenue.

Every Commission for military Officers, to be paid out of the Public Treasury, *two Shillings*.

Sheriffs or Constables Fees.

FOR the Service of an original Summons or Scire Facias on one Defendant for Trial, either by reading the same, or by Copy, *one Shilling and four Pence*: If served on more than one Defendant, then for each other Defendant so served, *one Shilling and four Pence*.

Sheriffs or Constables Fees.

For Service of a Capias or Attachment on one Defendant with or without a Summons, *one Shilling and four Pence*: If served in like manner on more than one Defendant, then for each other so served, *one Shilling and four Pence*.

For

Regulation of Fees.

For a Bail Bond, including Principal and Sureties, to be paid by the Person or Persons admitted to Bail, *one Shilling*.

For serving an Habere Facias Possessionem, exclusive of the Poundage on the Costs of Court, *six Shillings* : If on more than one Piece of Land, *four Shillings* each.

For the Costs on an Habere Facias, the same Poundage as in Personal Actions.

For serving a Warrant, *one Shilling and four Pence*.

For the Sheriffs Aid in Criminal Cases, to each Person *four Shillings* a Day, and ten Miles to be reckoned a Day, and so in Proportion for a less Time.

For Summoning of Witnesses in Criminal Cases ; for each Witness *six Pence*, and Travel as in Civil Cases.

For levying Executions in personal Actions, viz. For the first *twenty Pounds* or under, *nine-pence per Pound* ; above that not exceeding *forty Pounds*, *four-pence per Pound* ; above that not exceeding *one Hundred Pounds*, *two-pence per Pound* ; for all above *one Hundred Pounds*, *one-penny per Pound*.

For Travel for the Service of each Execution, or mean Process, or Warrant to him directed *two Pence* per Mile ; the Travel to be computed from the Place of Service to the Court where the Writ or Execution shall be returned, by the Way that is most commonly used ; but one Travel to be allowed to one Writ or Execution : And if the same be served on more Persons than one, the Travel to be computed from that Place of Service, that is the remotest from the Place of Return, with all further necessary Travel in serving such Writ or Execution on the others. The travelling Fees and Fees of Service to be endorsed by the Sheriff or his Deputy on each mean Process or Execution, otherwise not to be allowed.

For serving an Execution upon a Judgment of Court for Partition of Real Estates ; to the Sheriff *five Shillings* per Day ; and for Travel and Expence *three Pence* per Mile out from the Place of his abode ; and to each Juror, *two Shillings* per Day ; and for Travel and Expence, *three Pence* per Mile.

Every Trial *eight Pence*. Every Default, *four Pence*.

For making out every Precept for the Choice of Representatives, sending the same to the several Towns, and returning it to the Secretary's Office, *one Shilling and four Pence*, to be paid out of the County Treasuries respectively.

To the Officer attending the Grand-Jury, each Day *two Shillings*.

To the Officer attending the Petit-Jury, *one Shilling* every Cause.

For dispersing Venires from the Clerk of the Superior Court, and the Province Treasurer's Warrant, and Proclamations of all kinds, *four Pence* each.

Allowance for
keeping the
Goal.

For the Encouragement unto the Sheriff to take and use all possible Care and Diligence, for the safe keeping the Prisoners that shall be committed to his Custody, he shall have such Salary allowed him for the same, as the Justices of the Court of General Sessions of the Peace within the same County shall think fit and order, not exceeding *ten Pounds* per Annum for the County of *Suffolk* ; and not exceeding *five Pounds* per Annum a piece for the County of *Essex* and *Middlesex* ; and not exceeding *three*

Regulation of Fees.

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three Pounds per Annum a piece in each of the other Counties within the Province, to be paid out of the Treasury of such County.

Cryers Fees.

Calling a Jury, *four Pence.*

A Default or Non-suit, *eight Pence.*

A Judgment affirmed on Complaint, *eight Pence.*

A Verdict, *eight Pence.*

Said Fees to be paid to the Clerks of the respective Court's for the Use of the Cryer's.

Cryers Fees.

To the Captain of Castle-William.

FOR a Pass to the Castle for each Vessel *two Shillings* in the whole. Captain of the Castle's Fees.
Wood Sloops and other Coasting Vessels for which Passes have not been usually required, excepted.

Goalers Fees.

FOR turning the Key on each Prisoner committed, *three Shillings*, viz. *one Shilling and six Pence* in, and *one Shillings and six Pence* out. Goalers Fees.
For dieting each Person for a Week, *four Shillings.*

Messenger of the House of Representatives.

FOR serving every Warrant from the House of Representatives which they may grant for arresting, imprisoning or taking into Custody any Person, *one Shilling and six Pence.* Messenger of the House of Representatives Fees.
For Travel each Mile out, *two Pence* per Mile.
For keeping and providing Food for such Person, each Day, *one Shilling and six Pence.*
For his Discharge or Dismission, *one Shilling and six Pence.*

Grand Jurors Fees.

Foreman per Day, *two Shillings and six Pence.*
Each other Juror, *two Shillings.*

Grand Jurors Fees.

Petit Jurors Fees.

TO the Foreman in every Cause at the Superior and Inferior Courts or Sessions, *three Shillings.* Petit Jurors Fees.
To every other Juror, *two Shillings.*

P P P

For

For Marriages.

Fee for Mar-
riages.

FOR each Marriage, to the Minister or Justice officiating, *four Shillings*.
For recording it, to the Town-Clerk (to be paid by the Minister or Justice) *four Pence*; and to the Clerk of the Sessions (to be paid by the Town-Clerk) *two Pence*.

To the Town-Clerk for every Publishment of the Banns of Matrimony, and entring thereof, *one Shilling*.

Every Certificate of such Publishment, *six Pence*.

Recording Births and Deaths, each, *two Pence*.

For the Certificate of the Birth or Death of any Person, *three Pence*.

County Registers Fees.

County Re-
gisters Fees.

FOR entring, or recording, or copying any Deed, Conveyance or Mortgage, for the first Page *nine Pence*; and *eight Pence* per Page for so many Pages more as it shall contain, accounting after the Rate of twenty-eight Lines, of eight Words in a Line to each Page, and proportionably for so much more as shall be under a Page, and *three Pence* for his Attestation on the original of the Time, Book and Folio where it is recorded. The Fees to be paid at the offering the Instrument. And for a Discharge of a Mortgage, *eight Pence*.

Penalty for
taking ex-
cessive Fees.

And be it further enacted, That if any Person or Persons shall demand and take any greater Fee or Fees for any of the Services aforesaid, than are by this Law provided, he or they shall forfeit and pay to the Person or Persons injured, the Sum of *ten Pounds* for every Offence, to be recovered in any Court proper to hear and determine the same.

Costs to be
taxed in all
criminal Pro-
secutions and
how to be paid

And be it further enacted, That in all criminal Prosecutions in the Superior Court of Judicature, Court of Assize and General Goal Delivery, and in the Courts of General Sessions of the Peace, when the Party or Parties prosecuted shall be ordered to go without Day, or when, being convict, shall not have sufficient Goods or Estate to pay Costs of Prosecution; in every such Case it shall be in the Power of the Court before whom such Acquittal or Conviction shall be, to tax such Costs for Court Charges as the Case shall appear to require, not exceeding the Fees or Costs stated by this Act; and such Costs so taxed by the Courts of General Sessions of the Peace, shall be paid out of the respective County Treasuries. And such Costs so taxed by the Superior Court of Judicature, Court of Assize and General Goal Delivery, shall be paid by the Sheriffs of the respective Counties out of such Fines and Forfeitures as may have arisen and been incurred by force of any Judgment or Sentence of such Court; and Allowance shall be made by the Province Treasurer to the several Sheriffs for any Sums paid as aforesaid; and when and so often as it shall happen that any Sheriff shall not have in his Hands any Monies received for Fines and Forfeitures as aforesaid, such Costs shall be paid out of the Province Treasury.

Allowance to
be made to
the Sheriff.

Limitation.

This Act to continue and be in Force three Years, and no longer.

C H A P. IV.

An Act to prevent the Destruction of Salmon and other Fish in Merrimack-River within this Province.

WHEREAS the Salmon and other Fish taken in Merrimack River within this Province have been of great Service to the Inhabitants, and still will be so if due Care is taken to prevent the unnecessary Destruction thereof : AND WHEREAS by the constant Fishing with Seines, Nets, and Pots, and by erecting Weares and other Incumbrances there, to prevent the Passage, and facilitate the Taking of the Fish, they are greatly diminished, and there is Danger of their being wholly destroyed : THEREFORE,

Preamble.

Be it enacted by the Governor, Council and House of Representatives, That no Person or Persons whatsoever, be allowed from and after the Fifteenth Day of March next, and so during the Continuance of this Act, to catch Salmon or other Fish of any Kind, with Seines, Nets, Pots, or in any other Way, in any Part of Merrimack River, within this Province, or in any of the Rivers and Streams running into Merrimack River, oftner than three Days in the Week, the Days to be Tuesday, Wednesday, and Thursday, in every Week ; and if any Person or Persons shall presume to catch Fish there at any other Times than hereby is allowed, every Person or Persons so offending shall for each Offence forfeit and pay the Sum of Forty-Shillings, and the same Net or Pot, used in such Fishing shall be forfeited.

Salmon to be taken only three Days in a Week in Merrimack-River after 15th March annually.

And be it further enacted, That all Weares, Fences, and other Incumbrances, now erected, or that hereafter shall be erected, in any Part of Merrimack River within this Province for the stopping the Course of the Fish, or to facilitate the Taking of the Fish by Seines, Nets, Pots, or otherwise, be deemed common Nuisances, and as such shall be pulled down and demolished ; and all Persons that hereafter shall erect any such Weares, Fences, or other Incumbrances, or that shall continue such already erected, on due Conviction thereof, shall forfeit and pay the Sum of Three-Pounds.

Penalty.

Weares &c. erected, accounted Nuisances.

Forfeiture on Conviction.

AND WHEREAS it is found that Fishing at the Mouths or Entrance of the Rivers and Streams that run into Merrimack River, and in the Ponds that empty themselves into it, and in the Brooks and Rivulets that run into the said Ponds, prevents the said Fish from going into the said Rivers and Streams, and so into the Ponds above to cast their Spawn and tends to destroy the Increase of said Fish : THEREFORE,

Preamble.

Be it enacted, That no Person or Persons from and after the said fifteenth Day of March, shall at any Time during the Continuance of this Act, catch any Salmon, Shad, or Alewives, with Seines, Nets, or Pots at the Mouth or Entrance of any such River or Stream, or within one hundred Rods of the same, nor in any of the Ponds aforesaid, nor in any of the Brooks or Rivulets that run into the said Ponds, on Pain of forfeiting for each Offence the Sum of Three Pounds.

No Fish to be taken at the Mouths of Rivers &c. running into Merrimack after 15th March.

AND WHEREAS many Persons who live out of this Province constantly Fish in that Part of Merrimack River that is within this Province, at the proper Seasons of Fishing, and some Provision ought to be made for the Recovering of such Persons the Penalties inflicted by this Act if they offend against it :

Preamble.

Justice may
issue his War-
rant for appre-
hending Of-
fenders, not
Inhabitants of
the Province.

Be it therefore enacted, That on Complaint made to any Justice of the Peace for the County where any Offence against this Act shall be committed, against any Person or Persons for the Breach of this Act, or upon View of any Justice, such Justice is hereby impowered to issue his Warrant to apprehend such Offender or Offenders, and cause them to find sufficient Sureties for their Appearance at the then next Court of General Sessions of the Peace for the County, to answer for their said Offence; and on Failure of finding Sureties as aforesaid, to commit them to the Common Goal for the County; and such Justice is also required to bind over the Witnesses against such offending Person.

Towns bor-
dering on
Merrimack Ri-
ver, to choose
Persons to see
to the Obser-
vation of this
Act.

And be it further enacted, That every Town in this Province bordering on Merrimack River, and in which there are any Ponds, Streams, or Rivers emptying themselves into Merrimack River, where Salmon, Shad, or Alewives are taken, shall during the Continuance of this Act at their Annual March Meeting choose two suitable and fit Persons to see that this Act is duly observed, and to inform against any Person that shall offend against it; who shall be sworn to the faithful Discharge of their Duty; and if any Person chosen as aforesaid shall refuse to be sworn, he shall forfeit and pay the Sum of *Forty-Shillings*, for the use of the Poor of the Town; to be recovered by the Town-Treasurer; and such Town shall proceed to a new Choice.

Fines and For-
feitures, how
to be recover-
ed.

And be it further enacted, That all Fines and Forfeitures incurred by any Breach of this Act, shall be recovered by Action or Information in any of his Majesty's Courts of Record (where other Method of Recovery is not directed) and all Offences for Fishing or obstructing the Course of the Fish, contrary to this Act, shall and may be presented by the Grand-Jurors for the respective Counties where the Offence is committed; and the said Grand Jurors are hereby enjoined diligently to enquire after, and duly to present such Offences.

How to be
applied.

And be it further enacted, That the Fines and Forfeitures incurred by offending against this Act (where not otherwise disposed of) shall be paid to the Treasurer of the County where the Offence is committed, to be appropriated for the Payment of the necessary County Charges, except where any Person commences a Prosecution, by Action or Information; and in that Case one Half of the Forfeiture shall go to the Prosecutor.

Proviso, with
respect to
Concord River

Provided always, this Act shall not be construed to affect the Fishing in Concord River, (except the Clause respecting the Fishing at the Mouths or Entrance of the Rivers and Streams that run into Merrimack River) but that the Inhabitants of Concord and Sudbury may erect Weares within their respective Towns for taking Fish in said River, provided they fish only three Days in each Week, viz. Tuesday, Wednesday, and Thursday: And the Inhabitants upon and at the Mouth of said River, may take Fish with Seines or Nets two Days in each Week, viz. Tuesday and Thursday; and that said Weares be kept open, and said fishing with Seines or Nets cease the rest of the Time.

Limitation.

This Act to continue and be in force for the Space of Three Years from the Publication of it, and no longer.

CHAP.

C H A P. V.

An Act for granting unto his Majesty an Excise upon Spirits distilled, and Wine, and upon Limes, Lemmons and Oranges.

WE his Majesty's most loyal and dutiful Subjects, the Representatives of the Province of the Massachusetts-Bay in General Court assembled, being desirous of lessening the present Debt of the Province, have chearfully and unanimously granted, and do hereby give and grant unto his most excellent Majesty for the End and Use above-mentioned, and for no other Use, an Excise upon all Rum and other Spirits distilled, and upon all Wines whatsoever, and upon Lemmons, Limes and Oranges, to be raised, levied and collected, and paid in Manner and Form following :

Preamble.

And be it accordingly enacted by the Governor, Council and House of Representatives, That from and after the twenty-fifth Day of March, One Thousand seven Hundred and sixty-five, and until the twenty-sixth Day of March One Thousand seven Hundred and sixty-six, every Person already licensed, or that shall be hereafter licensed, to retail Rum, or other Spirits distilled, or Wine, shall pay the Duties following.

Time of this Act's Continuance.

For every Gallon of Rum and Spirits distilled, *eight Pence.*

For every Gallon of Wine of every Sort, *eight Pence.*

For every Hundred of Lemmons or Oranges used and consumed in making Punch, or otherwise for Sale by Taverners and Innholders, only, *eight Shillings.*

For every Hundred of Limes used and consumed in making Punch, or otherwise for Sale by Taverners and Innholders only, *three Shillings ;* and so proportionably for any Quantity or Number.

And be it further enacted, That every Retailer of Rum, Wine or Spirits distilled, Taverner and Innholder, shall on the twenty-sixth Day of March One Thousand seven Hundred and sixty-five, take a just and true Account in Writing of all Wine, Rum and Spirits distilled, then by him or her, or in his or her Possession. And that every Person who shall be hereafter licenced to be a Taverner, Innholder and Retailer of Wine, Rum or Spirits distilled, shall take a like Account of all Wine, Rum and other Spirits distilled, by him or her, or in his or her Possession, at the Time of such Licence granted. And every Taverner, Innholder, and Retailer of Rum or other Spirits distilled or Wine, shall make a fair Entry in a Book by them respectively to be kept for that Purpose, of all such Rum or other Spirits distilled or Wine, as he or she, or any Person or Persons for him or her, shall buy, distill, take in or receive after such first Account taken, and when and of whom the same was bought and taken in ; and at the Expiration of the said Year, shall take a just and true Account how much thereof then remains by them, and shall in Writing under their Hands render to him or them that shall collect the Duties aforesaid, the whole of those several Accounts, and shall also make Oath in the Form following, before such Collector or Collectors, who are hereby empowered to administer the same :

Accounts to be taken.

Form of the
Oath.

YOU A. B. do Swear, that the Account by you now rendered, is to the best of your Knowledge, a just and true Account of all Wines, Rum and distilled Spirits you had by you or in your Possession, on the twenty-sixth Day of March One Thousand seven Hundred and sixty-five, and also of all the Wine, Rum and other distilled Spirits, bought, distilled, taken in or received by you, or by any Persons or Persons for or under you, or by or with your Knowledge, Allowance, Consent or Connivance, and that there still remains thereof in your Possession unsold, so much as is in this Account said to remain by you unsold; and that there has not been by you or by any other Person or Persons for or under you, by your Order, Allowance, Consent or Connivance, either directly or indirectly, sold, used or consumed, any Wine, or any Liquor, for or as Wine, any Rum or distilled Spirits or Liquor for or as Rum or distilled Spirits, [or if a Tavernor or Innholder] that there has not been any Limes, Lemmons or Oranges, by you or by any Person or Persons for or under you, or by your Order, Consent, Allowance or Connivance, used in making Punch or otherwise for Sale, since the said twenty-fifth Day of March, One Thousand seven Hundred and sixty-five, besides what is contained in the Account by you now rendered. So help you GOD.

Penalty for
Collectors re-
ceiving Ac-
counts with-
out Oath.

And every Collector of the Excise who shall receive any Account from any Person in Consequence of this Act, without their making Oath to the same as aforesaid, shall forfeit and pay for the Use of the Government, the Sum of *Twenty Pounds*. And for every Person that was not licenced on the same twenty-sixth Day of March, the Form of the Oath shall be so varied as that instead of expressing the Day aforesaid, the Time of taking their licence shall be inserted and used.

Duties to the
Collector.

And every such Taverner, Innholder, and Retailer, shall pay the Duties aforesaid to him or them that shall collect the same, on the whole of the several Articles mentioned in such Account rendered, saving only for such Part thereof as remains in their Hands unsold. *Provided nevertheless*, That for ordinary Leakage &c. *ten per Cent.* shall be allowed them on all Liquors in such Account mentioned, besides what remains in their Hands unsold, and what they shall on Oath depose they have lost by extraordinary Leakage, or other Casualties.

Ten per Cent
allowed for
Leakage.

Taverners, &c
to give Bond.

And be it further enacted, That every Person hereafter licensed to be a Taverner, Innholder, or Retailer of any Wine, Rum or Spirits distilled, shall within thirty Days after such Licence granted, and before he or she shall sell by Virtue of the same, not only become bound to keep good Rule and Order, as by Law is already required, but shall also become bound with sufficient Sureties by way of Recognizance to his Majesty for the Use of this Government, in a sufficient Sum to be ordered by the Court that grants the Licence, which Sum shall not exceed *Three Hundred Pounds*, nor be less than *Fifty Pounds*, Conditioned that they shall keep and render the Accounts aforesaid, and pay the Duties aforesaid, as in and by this Act is required.

Recognizances
put in Suit
may be chan-
cered as other
Bonds.

Provided nevertheless, and it is hereby enacted, and declared, That all Recognizances taken in Consequence of this Act, and on Forfeiture put in Suit in any Court of Record within this Province, may by such Court be chancered down to the just Debt and Damage where that can be known, as other Bonds may be, by the Laws of this Province already enacted.

And

And be it further enacted, That no such Taverner, Innholder or Retailer shall be licenced by the Justices of the General Sessions of the Peace, who have not accounted with the Collector, and paid him the Excise aforesaid, due from such Person at the Time of his or her taking, or renewing his Licence.

Licences not to be renewed if former Excise is not paid

And whereas notwithstanding the Laws made against selling strong Drink without Licence, many Persons not regarding the Penalties of said Act, do receive and entertain Persons in their Houses, and sell great Quantities of Spirits and other strong Drink without Licence, by Reason whereof great Debaucheries are committed and kept secret, and such as take Licences and pay the Duties of Excise therefor, are greatly wronged, and the Government thereby defrauded.

Preamble.

Be it therefore enacted, That if any Distiller, Importer, or any other Person whatever, after the said twenty-fifth Day of March shall presume directly or indirectly to sell any Rum, or other distilled Spirits, or Wine in less Quantity than fifteen Gallons, or any Beer, Ale, Cyder, Perry, or other strong Drink, in any Quantity less than three Gallons, without Licence first had and obtained from the Court of General Sessions of the Peace in that County, and recognizing in Manner as aforesaid, shall forfeit and pay for each Offence the Sum of two Pounds, and Costs of Prosecution, two Thirds for the Use of the Government, and the other Third for the Prosecutor.

Forfeiture for selling without Licence.

And whereas divers other Persons than those licenced to sell Rum and other distilled Spirits by Retail, have heretofore supplied Persons employed by them in the Fishery, building Vessels, and in other Business, without paying any Excise therefor, and thereby have defrauded the Government of the Duties of Excise, and have not been subject to the Penalty provided by Law against selling Drink without Licence, and the same Practice will probably be continued, unless effectual Care be taken to prevent the same :

Preamble.

Be it therefore enacted, That all Persons not licensed as aforesaid, who shall hereafter by themselves, or by any other Person or Persons under them, or by their Orders, Allowance or Connivance, supply any Person or Persons employed by them in the Fishery, building of Vessels, or any other Business or Employ, with Rum or any other distilled Spirits, or Wine, shall be deemed and taken to be Sellers of such Liquors, and be subject to the aforesaid Pains and Penalties, provided against Persons selling any of the Liquors aforesaid without Licence; and shall be recovered, in like Manner, unless they make it appear that such Wine, Rum or other distilled Spirits was purchased of a Taverner, Innholder or Retailer, or other Person or Persons that had Licence or Permit to sell the same.

Persons not licenced supplying those employed by them in the Fishery, &c. with spiritous Liquors, to be deem'd sellers

And be it further enacted, for the Encouragement of the Cod and Whale Fishery, That all Rum, and other Spirits consumed by such Persons, as are employed in said Business out of this Province, be exempted from paying Excise, and that there be allowed for the Consumption of each Vessel's Crew, usually fishing upon George's Banks, and to the Eastward and Southward thereof, the Quantity of twenty Gallons for each Trip or Fare; and that every Master or Owner of such Vessel

Vessels employed in the Cod & Whale Fishery allowed 20 Gallons free of Excise.

Vessel or Vessels, that shall after the twenty-sixth Day of *March* next, supply any such Vessel with any Rum or Spirits on a fishing Voyage, and produce an Account thereof to the Collector (under Oath) not exceeding the aforesaid Quantity of twenty Gallons for one Trip or Fare, shall be allowed the same Drawback as is provided in this Act on Rum and other Spirits exported out of this Province.

One Witness
sufficient for
Conviction.

And be it further enacted, That when any Person shall be charged with selling strong Drink without Licence, one Witness produced to the Satisfaction of the Court or Justice before whom the Trial is, shall be deemed sufficient for Conviction: And when and so often as it shall be observed that there is a Resort of Persons to Houses suspected of selling strong Drink without Licence, any Justice of the Peace in the same County shall have full Power to convene such Persons before him, to examine them upon Oath concerning the Persons suspected of selling or retailing strong Drink in such Houses, Outhouses or other Dependencies thereof; and if upon examining such Witnesses, and hearing the Defence of such suspected Person, it shall appear to the Justice there is sufficient Proof of the Violation of this Act by selling strong Drink without Licence, Judgment may thereupon be made up against such Person, and he shall forfeit in like Manner as if Process had been commenced by Action or Information before the said Justice, or otherwise the said Justice may bind over the Person suspected and the Witnesses to the next Court of General Sessions of the Peace for the County where such Person shall dwell.

Penalty on
Persons refusing to give
Evidence.

And be it further enacted, That if any Person or Persons shall be summoned to appear before a Justice of the Peace or the Grand Jury to give Evidence relating to any Person's selling strong Drink without Licence, or to appear before the Court of General Sessions of the Peace, or other Court proper to try the same, to give Evidence on the Trial of any Person informed against, presented or indicted for selling strong Drink, without Licence, and shall neglect or refuse to appear, or to give Evidence in that Behalf, every Person so offending shall forfeit the Sum of *forty Shillings* and Costs of Prosecution, the one Half of the Penalty aforesaid to be to his Majesty for the Use of the Province, and the other Half to and for the Use of him or them who shall sue for the same as aforesaid. And when it shall so happen that Witnesses are bound to Sea before the Sitting of the Court where any Person or Persons informed against for selling strong Drink without Licence, is or are to be prosecuted for the same; in every such Case the Deposition of any Witness or Witnesses in Writing taken before any two of his Majesty's Justices of the Peace *Quorum Unus*, and sealed up and delivered into Court (the adverse Party having first had Notice in Writing sent to him or her of the Time and Place of Caption) shall be esteemed as sufficient Evidence in the Law to convict any Person or Persons offending against this Act, as if such Witness or Witnesses had been present at the Time of Trial, and given his, her or their Deposition *viva voce*; and every Person or Persons who shall be summoned to give Evidence before two Justices of the Peace in Manner as aforesaid, and shall neglect or refuse to appear, or to give Evidence relating to the Facts he or she all be enquired of, shall be liable and subject to the same Penalty as he or she would have been by Virtue of this Act for not appearing or neglecting or refusing to give his or her Evidence before the Grand Jury or Court aforesaid.

And

And be it further enacted, That all Fines, Penalties and Forfeitures arising by this Act, shall and may be recovered by Action or Information before any Court of Record proper to try the same, and where the Sum forfeited does not exceed *forty Shillings*, by Action or Information before any one of his Majesty's Justices of the Peace in the respective Counties where such Offence shall be committed, which said Justice is hereby empowered to try and determine the same, and the said Justice shall make a fair Entry or Record of all such Proceedings: Saving always to any Person or Persons who shall think him or themselves aggrieved by the Determination of the said Justice, Liberty of Appeal therefrom to the next Court of General Sessions of the Peace to be holden for and within said County, at which Court such Offence shall be finally determined, provided that in the same Appeal the same Rules be observed as are already required by Law in Appeals from Justices to the Court of General Sessions of the Peace, saving only that the Recognizance for prosecuting the Appeal shall be *four Pounds*.

How Fines
&c. are to be
recovered.

And that the respective Collectors shall attend at some convenient Place in each Town or District in this Province in order to receive and settle all Accounts relating to said Excise, in the several Towns of the County where he is Collector, first giving seasonable and public Notice of the Time and Place, or Places where said Business shall be transacted: And no Collector shall demand, or take any Fee for such Attendance, Settlement or Travel upon the Penalty of *ten Pounds*, to be recovered by Action or Information, or in any Court of Record; one half to the Informer, and the other half for the use of the Province.

Collectors to
attend in each
Town or Dis-
trict.

And whereas there have been Collectors in each County already appointed by the General Court to take Charge of this Duty of Excise; such Collectors shall be upon Oath, to take Care of the Execution of this Law, and to prosecute the Breakers of it: And every Collector of Excise in any County may substitute and appoint one or more Deputy or Deputies under him upon Oath, to collect and receive the Excise aforesaid, which shall become due in said County, and pay in the same to such Collector; which Deputy and Deputies shall have, use and exercise all such Powers and Authorities, as in and by this Act are given or committed to the Collector for the better collecting the Duties aforesaid, or prosecuting Offenders against this Act, for the doings of which Deputies, the Collectors respectively shall be accountable; and the said Collectors shall carefully examine the Accounts of every licenced Person in their respective Counties, and demand, sue for and receive the several Sums due from them by this Act, and shall give in the Name of every licenced and permitted Person, and an Account under their Hands of the particular Sums they receive, and of whom received, unto the Treasurer upon Oath; which Oath the Treasurer is hereby empowered and directed to administer in the Words following, *viz.*

Collectors al-
ready chosen
are to see to
the Execution
of this Act.

and may ap-
point Depu-
ties.

YOU A. B. do Swear, that this is a just and true Account of the Excise upon all Wines, Rum and distilled Spirits, Limes, Lemons and Oranges, by you received or by you secured to be paid in the County of _____ and that you have not wilfully neglected Swearing any Person of, or, for whom the same was received or secured in Manner and Form as by Law is prescribed.

Form of the
Oath.

So help you GOD.

R r r

And

Collectors to
give two Re-
ceipts for eve-
ry Sum re-
ceived.

Collectors
Fees.

Bond to be
given to the
Treasurer for
treble the Sum
that the Excise
was farm'd for

Penalty for
Collectors or
Deputies of-
fending.

Proviso.

And at the Time of receiving any Money, the said Collector shall give two Receipts of the same Tenor and Date, mentioning what Sum or Sums they have received from any Taverner, Innholder or Retailer, one of which Receipts to be by the said Taverner, Innholder or Retailer returned to the Court of General Sessions of the Peace within their respective Counties at the next Session of such Court; and the Clerks of said Court shall within thirty Days after Receipt thereof, transmit the same to the Treasurer or Receiver General, and such Collectors shall pay in to the publick Treasury of this Province, all such Sums as they shall receive within fifteen Months from the Date of their Commission, on Pain of Forfeiting the Reward given such Collectors by this Act, who shall be allowed in the Counties of *Suffolk, Essex, and Middlesex*, two per Cent. in the Counties of *Plymouth, Bristol, Hampshire, and Worcester*, two and an Half per Cent. and in the other Counties, three per Cent. on all Money by them collected and paid into the Treasury as aforesaid, each Collector before he enters into the said Office to give Bond for treble the Sum it was farmed for in the respective Counties in the Year One Thousand seven Hundred and fifty-seven, with Sureties to the Treasurer of this Province for the Time being, and his Successors in said Office; which Bond shall be executed before the next Court of General Sessions of the Peace in the respective Counties where the said Collectors live, or before two of his Majesty's Justices of the Peace in the respective Counties, one to be of the *Quorum*; one of the said Justices to return the Certificate to the Clerk of the Sessions within thirty Days as aforesaid, and be transmitted to the Treasurer of the Province by the Clerk of the Peace within such County, within three Months after the Bond is executed, and the said Treasurer shall put in Suit the Bonds of all such Collectors who shall neglect to make due Payment within fifty Days after the Day of Payment.

And be it further enacted, That in Case any Collector of the Excise as aforesaid or his Deputy, shall at any Time during their Continuance in that Office, wittingly and willingly connive at or allow any Person or Persons in their respective Divisions (not licensed by the Court of General Sessions of the Peace) their selling any Wines, Rum or other Liquors by this Act forbidden, such Collector or Deputy for every such Offence, shall forfeit the Sum of *fifty Pounds*, and Costs of Prosecution, one Half of the Penalty aforesaid to be to his Majesty for the Use of this Province, the other Half to him or them that shall inform and sue for the same, and shall be thence forward for ever disabled from serving in said Office; saving that said Collector may give a Permit to any Person to sell Rum, or other Spirits distilled, or Wine, in Quantity from fifteen Gallons and upwards, agreeable to this Act.

Provided always, and it is the true Intent and Meaning of this Act, that if any Taverner or Retailer shall sell to any other Taverner or Retailer, any Quantity whatever of distilled Liquors and Wine, such Taverner or Retailer selling as aforesaid, shall not be held to pay such Duty; but the Taverner or Retailer who is the Purchaser shall pay the same, and the Seller as aforesaid shall and hereby is required to deliver to the Collector of this Duty a true Account of such Liquors sold as aforesaid, and to whom sold.

And to the End that the Revenue arising from the Excise upon spirituous Liquors may be increased and raised with more Equality:

Be

Be it enacted, That from and after the twenty-fifth Day of *March* One Thousand seven Hundred and sixty-five, to the twenty-sixth Day of *March* One Thousand seven Hundred and sixty six, upon all Rum and other distilled Spirits, and all Wine imported and manufactured and sold for Consumption within this Province, there be laid and is hereby laid the Duties of Excise following. *viz.*

Duties to be paid upon all Liquors imported or manufactured.

For every Gallon of Rum and Spirits distilled, *eight Pence.*

For every Gallon of Wine of every Sort *eight Pence* : To be paid to the Collector of Excise or his Deputy by every Person having Permit to sell the said Liquors in each County respectively.

And be it further enacted, That every Person that shall import any of the Liquors aforesaid, or to whom any of them shall or may be consigned, shall be and hereby is prohibited from selling the same or any Part thereof, without having a Permit so to do from the Collector of Excise or his Deputy ; and every Person distilling or manufacturing any of the said Liquors, and every person owning or possessing any of them, excepting such as are or may be licenced by the Court of General Sessions of the Peace as aforesaid, shall be and hereby are prohibited from selling the same, or any Part thereof, without having a Permit so to do from the Collector of Excise or his Deputy, on Forfeiture of *Twenty-five Pounds*, and of the Value of the Liquors so sold.

Liquors not to be sold by the Importer &c. without a Permit.

Provided nevertheless, That any Person who shall have any of the Liquors aforesaid in the Hands of any Distiller or other Permitted Person and shall draw an Order for delivering the same or any Part thereof, not less than fifteen Gallons to any Person or his Order, the Person only who shall be the Receiver of the same Liquors, shall be obliged to take a Permit and be held to Account and pay the Duties of Excise due thereon.

Proviso.

Provided nevertheless, That the Impost Officer and his Deputy shall be and hereby are respectively empowered to grant a Permit for selling the Liquors aforesaid, or any of them, to any Person applying for the same, until a Collector be appointed in each County respectively, to whom the Duty of Excise shall be paid as aforesaid, and until the Collector shall give public Notice of his appointment as aforesaid : And the said Impost Officer and Deputy shall transmit to the Collector of each County an Account of the Permits by each of them respectively granted to Persons living in such County, and shall give to the Collector when required an Account of all the Liquors imported from Time to Time, for the better securing the Excise.

Proviso.

And be it further enacted, That every Person having Permit as aforesaid, shall at the End of the Year from the twenty-fifth Day of *March* One Thousand seven Hundred and sixty-five be ready to render to the Collector aforesaid, or his Deputy, an Account on Oath, of all the Liquors aforesaid, by him or her, or any Person or Persons in his or her Behalf sold, and also of all the aforesaid Liquors by him or her imported, distilled or manufactured, or which have come into his or her Possession since the twenty-fifth Day of *March* aforesaid, except the same were bought of a licenced Person in a Quantity less than fifteen Gallons, which in his or her Family have been consumed or expended within said Year ; which Account shall express the Number of Gallons

Persons having Permit as aforesaid, to render an Account to the Collector at the End of every half Year, saving &c.

of each Kind of the Liquors so sold and consumed, and shall pay therefor to the said Collector or his Deputy the Duty aforesaid, excepting for so much as shall have been sold to Taverners, Innholders or Retailers, having Licence from the Sessions as aforesaid, or to any other Persons having Permit as aforesaid; and so much as shall have been exported out of this Province: And if any of said Liquors shall have been sold to Persons licenced by the Sessions, or to Persons having Permit, said Account shall exhibit the Names of such licenced Persons who purchased, and Persons having Permit, and Time when they purchased the same; and the Persons accounting shall exhibit a Certificate under the Hand of the licenced or permitted Person purchasing, which shall express the number of Gallons, and the Kind of the Liquors purchased, and the Time when the same was purchased, and the Name of the Town and County wherein such licenced Permitted Person lives, and shall lodge the said Certificate with the said Collector or his Deputy: And for the Quantity of the said Liquors mentioned in such Certificate, the said Collector or his Deputy shall not demand any Duty, but shall deliver said Certificate to the Collector of the County wherein such licenced or permitted Persons signing the same lives; which last mentioned Collector or his Deputy shall settle with such licenced or permitted Person for the Duty aforesaid, which may be due from him or her.

Persons having Permit as aforesaid, to give an Account of Liquors by them sent out of the Province.

And if any Person having a Permit or Licence as aforesaid, shall ship or export any of the Liquors aforesaid, out of this Province in a Quantity not less than twenty-five Gallons, and shall produce to such Collector or his Deputy (when he comes to settle his Account of Excise) one of the Receipts or Bills of Lading given therefor by the Master of the Vessel on board which such Liquors shall be shipped, or if it shall be carried out of the Province by Land, or in small Boats, then of the Person who is Master of the Land Carriage or Boat, expressing the Quantity thereof, and the Time of their being shipped; and shall lodge such Receipt or Bill of Lading with the Collector or his Deputy aforesaid, and at the same Time shall Swear, that such Liquors are *bona fide* sent, or intended to be sent out of the Province, he or she shall not be held to pay the Duty thereon aforesaid.

Persons not having Permit to render an Account, &c.

And if any Person not having Permit or Licence shall purchase for Exportation out of this Province, any of said Liquors in a Quantity not less than twenty-five Gallons of a Person having Permit or Licence, the Purchaser shall within ten Days after shipping the same, deliver one of the Receipts or Bills of Lading given for such Liquors as aforesaid, to the Person of whom he purchased the same, or be subject to pay the Amount of the Duty thereon, to the Person of whom he purchased the same as aforesaid, who shall pay such Duty to the Collector or his Deputy; but if the Purchaser aforesaid shall deliver such Receipt or Bill of Lading as aforesaid, and it be lodged with the Collector or his Deputy, then for the Quantity of said Liquors mentioned therein, the Collector or his Deputy shall not Demand any Duty.

Penalty for Masters or others giving Certificate without receiving the Liquors.

And if the Master of any Vessel, or any other Person shall give such Certificate, Receipt or Bill of Lading without receiving the Liquors mentioned therein; or if any Person shall procure such Certificate, Receipt, or Bill of Lading, with design to defraud the Government, and shall be thereof

thereof convicted, they and each of them shall forfeit and pay the Sum of *One Hundred Pounds*, two Thirds for the Use of this Government, and the other Third for the Use of the Prosecutor: And if any such Certificate, Receipt or Bill of Lading shall be forged, counterfeited or altered, the Person forging, counterfeiting or altering, shall incur the Penalty of *One Hundred Pounds*.

Provided nevertheless, That the Person having Permit as aforesaid, shall not sell any of the Liquors aforesaid, in a Quantity less than fifteen Gallons (to be sold and delivered to one Person at one Time) unless he or she has Licence from the Court of General Sessions of the Peace as aforesaid, on Pain of incurring the several Fines and Penalties in the former Part of this Act, laid upon those Persons who sell the Liquors aforesaid without Licence. Proviso.

And be it further enacted, That every Person applying to the Collector or his Deputy, or to the Impost Officer or his Deputy for a Permit, shall give Bond for the Use of this Province, with or without Sureties, in a Sum not exceeding *Two Hundred Pounds*, nor less than *Twenty Pounds*, at the Discretion of the Collector or Impost Officer, conditioned for the Payment of the Excise that shall become due according to the Account to be exhibited by such Person taking such Permit, and no Person shall have such Permit of the Collector or Impost Officer, until he has given such Bond. Persons applying for a Permit to give Bond.

And whereas the Importer of the Liquors aforesaid, or the Person to whom they shall be consigned may intend the same either for Sale, or for his or her own private Consumption; in which Case such Importer or Consignee is not sufficiently held by any preceeding Part of this Act to pay the Duty or Excise aforesaid: Preamble.

Wherefore in order to lay said Duty or Excise in as equal a Manner as may be:

Be it enacted, That every Person that shall bring or import into this Province, either by Land or Water Carriage, any of the Liquors aforesaid, either for Sale or private Consumption, shall within ten Days pay, or secure to the Collector the Duties or Excise due thereon; and in Case of Failure herein and being thereof convicted in any Court of Record within the same County shall forfeit and pay a Fine not exceeding *One Hundred Pounds*, nor less than *Twenty Pounds*, two Thirds thereof for the Use of this Government and the other Third to him or her that shall inform and sue for the same. *Provided nevertheless*, such Importer or Consignee be Licensed or Permitted, then he shall be held only to report the same to the Collector of Excise, and at the End of the Year, shall make out an Account, expressing the kind and full Quantity of the Liquors aforesaid, imported or consigned as aforesaid; and when the Account is rendered to the Collector or his Deputy, it shall be upon Oath, and such Importer or Consignee shall pay to the said Collector or his Deputy on the Liquor or Liquors mentioned in said Account, the Duty of Excise aforesaid, (deducting ten per Cent for ordinary Leakage) besides extraordinary, and in Case of Failure therein, the Offender shall pay a Fine of *four Pounds* and treble Duty or Excise on the Quantity so imported or brought in; Persons importing Liquors for private Consumption, &c. to render Account thereof to the Collector.

two Thirds of which shall be for the use of the Province, the other Third for him or them that shall inform and sue for the same.

Collectors to grant a Permit on Penalty.

And be it further enacted, That the Collector or his Deputy shall be and hereby is obliged to grant a Permit under his Hand to every Person applying for the same and offering Security, on the Penalty of *Two Hundred Pounds*, to and for the use of the Person making Application; which Permit shall be in the Form following, viz.

Form of the Oath.

YOU A. B. of C. in the County of D. are hereby permitted to sell Rum and other distilled Spirits and Wine, or any of said Liquors within the County of *untill the* *Day of* *One Thousand seven Hundred and* *pursuant to an Act of this Province, made in the fifth Year of his Majesty's Reign, Intituled, An Act for granting unto his Majesty an Excise upon Spirits distilled, and Wine, and upon Limes, Lemmons and Oranges. Dated at C. this* *Day of*
176. *A. B. Collector (or Deputy Collector) of Excise for the County aforesaid.*

Fee for a Permit.

And for such Permit the said Collector or Deputy shall be entituled to receive *two Pence*, and no more: And the like Sum for an Entry made with him; and the like Sum for a Certificate given by him.

Collector to keep an Office in each Sea-Port Town &c

And be it further enacted, That the Collector of Excise, either by himself or his Deputy, shall keep an Office in each Sea Port Town within his County, where he or his Deputy shall give his Attendance on every Thursday from Nine of the Clock in the Morning, to Twelve at Noon, to grant Permits, to receive Entries, give Certificates, &c. *Provided,* That in the Town of *Boston* such an Office shall be kept, and Attendance given on every Day, Lord's Day only excepted, within the Hours aforesaid of each of said Days respectively. *Provided also,* That the said Collector or his Deputy on Application made shall at any other Time grant Permits, receive Entries, and give Certificates aforesaid.

Preamble.

And whereas Persons not belonging to this Province, may import the Liquors aforesaid, and take Permit to dispose of the same; and may go out of the Province before the Time comes about when Persons selling said Liquors are held to Account with the Collector, and by that Means may avoid paying the Duty upon what has been so disposed of:

For preventing whereof:

Persons importing Liquors as aforesaid to give Bond.

Be it enacted, That every Person importing the Liquors aforesaid, and applying to the Collector or his Deputy for a Permit to sell the same, shall give Bond to said Collector in a Sum not exceeding *Two Hundred Pounds*, nor less than *Twenty Pounds*, with one Surety to be approved of by a Justice of the Peace, that he will render to the said Collector or his Deputy an Account on Oath of the kind and full Quantity of the Liquors aforesaid; sold by him, or by any Person or Persons on his behalf; and that he will pay thereon the Duty or Excise aforesaid, before he leaves the Province; and if such Person shall refuse to give such Bond, the said Collector or his Deputy shall not be obliged to grant him a Permit, (any Thing in this Act to the contrary notwithstanding) and if such Person

Person shall sell any of the Liquors aforesaid without Permit, he shall be subject to all the Penalties that other Persons selling without Permit are subject to : Or if such Person shall give Bond as aforesaid, and shall leave the Province before such Bond be discharged, the Collector may bring his Action on such Bond against the Surety for the Recovery of the Sum in such Bond mentioned, which shall be one Third for the Use of the Prosecutor, the other two Thirds for the Use of this Government.

Be it further enacted, That no Person shall be exempted from any Military Duty by Means or on Account of his being appointed a Deputy Collector of the Duties or Excise of spirituous Liquors, but shall be liable to all Intents and Purposes to Train, be Impressed, and perform every other Military Duty as if such Person had not been appointed a Deputy Collector as aforesaid.

Deputy-Col-
lectors liable
to Military
Duties.

Be it further enacted, That all Persons who took out Permits in the preceeding Years, and do not renew the same, shall at the End of the Year from and after the twenty-fifth Day of *March* next, and until the twenty-sixth Day of *March* One Thousand seven Hundred and sixty-six, render to the Collector or his Deputy that shall or may be appointed in the respective Counties by Vertue of this Act, an Account on Oath of all Liquors remaining in their Hands, and consumed in his, her or their Families during the Continuance of this Act, and pay the Duties herein imposed (deducting *ten per Cent* for ordinary Leakage, besides extraordinary Leakage) upon Penalty of *Twenty Pounds*, one Half to the Informer, the other Half to and for the Use of this Province.

All Persons
who had Per-
mits or Li-
cense to sell
Liquors, and
shall not re-
new the same,
to account for
the Duties.

Be it further enacted, That every Person that has been or may be appointed Collector of the Duties aforesaid, who shall import into this Province, or shall have by Consignment or otherwise, or shall sell or dispose of any Wine, Rum or Spirits distilled, Limes, Lemmons or Oranges, or shall use or consume the same, such Collector shall take keep and render a like Account thereof upon Oath to the Province Treasurer (who is hereby impowered to administer the same in the Form by this Act prescribed) and pay to him the like Duties thereon as such Person so appointed Collector would otherwise have been held and obliged to have taken, kept, rendered and paid to the Collector of the Duties aforesaid ; and that the same be done in like Manner und Time, and under the like Pains and Penalties as by this Act in such Cases is provided.

Collector of
the Duties of
Excise to ac-
count for all
Wine, &c. sold
or consumed
by them.

Be it further enacted, That all Fines, Penalties and Forfeitures arising or accruing by any Breach of this Act, and not otherwise appropriated, shall be two Thirds to his Majesty for the Use of this Government, and the other Third for the Use of the Prosecutor, to be recovered by Action or Information in any of his Majesty's Courts of Record.

How Fines
&c. arising by
this Act are
to be disposed
of.

And be it enacted, That the several Collectors by the General Court chosen in the present Session on the thirty-first Day of *January* last before the passing this Act be, and hereby are declared to be Collectors of the several Duties granted by this Act to all Intents and Purposes, as if chosen after the passing the same, giving Bonds as by this Act required.

Collectors al-
ready chosen
declared to be
the Officers to
execute this
Act.

And to the end that the most beneficial Use may be made of the Monies proposed to be raised by this Act :

Be it enacted and declared, That all the Monies thence arising and paid into the Publick Treasury shall be and hereby are appropriated to the Payment of the Interest due on Securities given by the Province-Treasurer for the Payment of Sums heretofore borrowed and to no other Use.

Monies arising
hereby appro-
priate to dis-
charge the In-
terest on Go-
vernment Se-
curities.

C H A P. VI.

An Act to carry into Execution an Order of the General Court for Numbering the People within this Province.

Preamble.

WHEREAS the Great and General Court of this Province, the Second Day of February, One Thousand Seven Hundred and Sixty-four, came into the following Order, viz.

Reciting an Order of Court,

“ Upon Consideration of his Excellency’s Message of the Nineteenth Curreant, Ordered, That the Selectmen of each Town and District in this Province chosen for the Year One Thousand Seven Hundred and Sixty-four, do as soon as conveniently may be, take an exact Account of the Number of Dwelling-Houses, Families and People of their respective Towns and Districts, including as well Indians Civilized, Negroes and Molattoes as white People, and Females as well as Males, and distinguish them in this Form, Namely,

“ White People under Sixteen Years,

{ Males
Females
Males
Females

“ Above Sixteen Years,

“ Families,

“ Houses,

“ Negroes and Molattoes,

{ Males
Females
Males
Females

“ Indians,

“ and return the same into the Secretary’s Office by the last Day of December next.”

which Order not having been fully complied with

And whereas several of the Selectmen of Towns and Districts within this Province, have complied with the abovesaid Order, and divers others have neglected their Duty therein, and have not made Return as directed, by which Neglect the design of the said Order has been evaded.

For Remedy whereof, and that a uniform Return may be made agreeable to his Majesty’s Requisition, by his Ministers to his Excellency the Governor, Therefore,

is enforced by this Act.

Be it enacted by the Governor, Council and House of Representatives, That the Selectmen of such Town and District within this Province chosen for the Year One Thousand seven Hundred and sixty-four, where the above Order has not been complied with, or the Survivors of them do take an exact Account of the Number of Dwelling-Houses, Families and People, agreeable to the Form aforementioned, and make Return thereof unto the Sheriffs of the several Counties respectively, on or before the twenty-fifth Day of May next; and in Case of Refusal or Neglect of their Duty, to forfeit and pay to his Majesty for the Use of the County where such Offence shall arise, the Sum of Fifty Pounds, to be recovered by the Treasurer of the said County, in any Court of Record proper to try the same.

Penalty on the Selectmens Neglect.

Penalty on heads of Families refusal to give them an Account.

And be it further enacted, That in Case any Master or Mistress of any Family shall refuse to give a proper and true List when required, by one or more of the Selectmen of any Town or District, he or she shall forfeit the Sum of Forty Shillings, to be recovered by the Treasurer of such Town, (for the Use of the Poor thereof,) before any of his Majesty’s Justices of the Peace in such County.

CHAP.

Duties of Impost and Tunnage.

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C H A P. VII.

An Act for granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping.

W E His Majesty's most dutiful and loyal Subjects the Representatives of the Province of the Massachusetts-Bay in New-England, being desirous of lessening the publick Debts, have cheerfully and unanimously given and granted; and do give and grant to His most Excellent Majesty, for the Service of this Province, as they shall hereafter apply it, the several Duties of Impost upon all Liquors, Wares, Goods and Merchandize, that shall be imported into this Province, and Tunnage of Shipping, hereafter mentioned; and pray that it may be enacted;

Preamble.

And be it accordingly enacted by the Governor, Council and House of Representatives, That from and after the Twenty-fourth Day of March, One thousand seven hundred and sixty-five, to the Twenty-fifth Day of March, One thousand seven hundred and sixty-six, there shall be paid by the Importers of all Wines, Rum, and other Liquors, Goods, Wares and Merchandize, that shall be imported into this Province by any of the Inhabitants thereof, (except what is by this Act hereafter exempted) the several Duties of Impost following, viz.

For every Pipe of Wine of every Sort, *Five Shillings.*

Rates of Im-

For every Hoghead of Rum, containing One hundred Gallons, *Eight Shillings.*

post.

For every Hoghead of Sugar, *Four Pence.*

For every Hoghead of Molasses, *Four Pence.*

For every Hoghead of Tobacco, *Ten Shillings.*

For every Ton of Bar-Iron, *Eight Shillings per Ton.*

For every Pound of Tea that shall be imported from any of His Majesty's Plantations in America, *Four Pence.*

And so proportionably for a greater or less Quantity.

And for all other Commodities, Goods or Merchandize not mentioned or not excepted, *Four Pence* for every *Twenty Shillings* Value; excepting such Goods as are imported from *Great-Britain.*

And for any of the above-mentioned Liquors, Goods, Wares and Merchandize (excepting Tea, which shall only pay *Four Pence*) that shall be imported into this Province, by any of the Inhabitants of the other Provinces or Colonies on this Continent, or of the English *West-India* Islands, in any Ship or Vessel to them belonging, on the proper Account of any of the said Inhabitants of the said Provinces, Colonies, or Islands, there shall be paid by the Importers double the Impost laid by this Act.

Double Im-
post to be paid
for Goods im-
ported by the
Inhabitants of
other Colonies
&c.

Provided always, That every Thing which is the Growth or Produce of the Provinces or Colonies aforesaid, (Tobacco and Bar-Iron excepted) and all Provisions, Salt, Cotton-Wool, Pig-Iron, Mahogany, Brazillito, Black-Walnut, Lignum-Vitæ, Red-Cedar, Log-Wood, Hemp, Raw Skins and Hides, and also all Prize-Goods brought into and condemned in this Province, are, and shall be exempted from every the Rates and Duties aforesaid.

Proviso.

T t t

And

Draw-back
of the whole
Impost to the
Exporter in
case.

And be it further enacted, That all Goods, Wares and Merchandize, (the Property of any of the Inhabitants of any of the neighbouring Provinces or Colonies on this Continent,) that shall be imported into this Province, and shall have paid, or on which there shall have been secured to be paid, the Duty of Impost by this Act provided to be paid; and afterwards shall be exported and landed in any of the said Provinces or Colonies on this Continent; then and in such Case, the Exporter producing a Certificate from some Officer of His Majesty's Customs, that the same has been landed in some of the Provinces or Colonies aforesaid, shall be allowed a Draw-back of the whole Duty of Impost, by him paid or secured to be paid, as by this Act provided.

Masters
of Vessels to
make Report.

And be it further enacted, That the Master of every Ship or Vessel coming into this Province from any other Place, shall within Forty-eight Hours after his Arrival in any Port or Harbour, and before Bulk is broken, make Report, and deliver a Manifest in Writing under his Hand, to the Commissioner aforesaid, of the Contents or Loading of such Ship or Vessel, therein particularly expressing the Species, Kind and Quantities of all Wines, Liquors, Goods, Wares and Merchandize imported in any such Ship or Vessel, with the Marks and Numbers thereof, and to whom the same are consigned, and make Oath before the Commissioner, that the same Manifest contains a just and true Account of all the Lading taken on board and imported in such Ship or Vessel, so far as he knows or believes; and that if he knows of any more Wines, Liquors, Goods, Wares, or Merchandize, laden on board such Ship or Vessel, and imported therein, he shall forthwith make Report thereof to the Commissioner aforesaid, and cause the same to be added to his Manifest.

To forfeit
in case of
breaking Bulk

And be it further enacted, That if the Master of any Ship or Vessel shall break Bulk, or suffer any of the Wines, Liquors, Goods, Wares and Merchandize, imported in such Ship or Vessel, to be unladen before Report and Entry thereof be made, as aforesaid, he shall forfeit the Sum of One Hundred Pounds.

Invoice to
be produced.

And be it further enacted, That all Merchants and other Persons, being Owners of any Wines, Liquors, Goods, Wares or Merchandize imported into this Province (for which any of the Rates or Duties aforesaid are payable) or having the same consigned to them, shall make Entry thereof with the Commissioner aforesaid, and produce an Invoice of all such Goods as pay *ad Valorem*, and make Oath before him in the Form following, viz.

Oath.

YOU A.B. do Swear, That the Entry of Goods and Merchandize by you now made, and the Value thereof annexed, is Bona Fide according to your best Skill and Judgment, agreeable to the Price Current or the Market Price of said Goods, So Help you GOD.

Which Oath the Commissioner or Receiver appointed in Consequence of this Act, is hereby impowered and directed to administer.

Duties to be
paid before
Landing.

AND the Owners aforesaid shall pay the said Commissioner, or give Security to pay, the Duty of Impost, by this Act required, before such Wines, Liquors, Goods, Wares, or Merchandize be landed or taken out of the Vessel in which the same shall be imported: And no Wines, Liquors, Goods,

Duties of Impost and Tunnage.

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Goods, Wares or Merchandize, that by this Act are liable to pay Impost or Duty, shall be landed on any Wharf, or in any Warehouse or other Place, but in the Day-time only, and that after Sun-rise and before Sun-set, unless in the Presence or with the Consent of the Commissioner or Receiver; on Pain of forfeiting all such Wines, Liquors, Goods, Wares and Merchandize, and the Lighter, Boat or Vessel out of which the same shall be landed, or put into any Warehouse or other Place. And if any Person or Persons shall not have and produce an Invoice of the Quantities of Rum or other Liquors to him or them consigned, then the Cask wherein the same are, shall be gauged at the Charge of the Importer, that the Contents thereof may be known.

Provided nevertheless, That the said Commissioner shall be and hereby is allowed to give Credit to such Person or Persons, whose Duty of Impost in one Vessel shall not exceed *Six Pounds*; which Credit shall be so limited as that he shall settle and ballance his Accompts with every Person on or before the Twenty-fifth Day of *March*, One thousand seven hundred and sixty-six; that the said Accompts may be produced to this Court as soon as may be after; and for all Entries where the Impost to be paid doth not exceed *three Shillings*, the said Commissioner shall not demand any thing, and not more than *six Pence* for any other single Entry to what Value soever.

Commissioner
allowed to
give Credit.

And be it further enacted, That the Importer of all Wines, Liquors, Goods, Wares and Merchandize, from and after the Twenty-fourth Day of *March*, One thousand seven hundred and sixty-five, and until the Twenty-fifth Day of *March*, One thousand seven hundred and sixty-six, by Land-Carriage or in small Vessels or Boats, shall, within Twenty-four Hours after Importation, make Report and deliver a Manifest thereof to the Commissioner aforesaid, or his Deputy, therein particularly expressing the Species, Kind and Quantity of all such Wines, Liquors, Goods, Wares and Merchandize so imported, with the Marks and Numbers thereof, when, how and by whom brought, and shall make Oath before the said Commissioner, or his Deputy, to the Truth of such Report and Manifest; and shall also pay, or secure to be paid, the several Duties aforesaid, by this Act charged, and chargeable, upon such Wines, Liquors, Goods, Wares and Merchandize, before the same are landed, housed, or put into any Store or Place whatsoever, under Penalty of *Ten Pounds*.

Importer by
Land Carriage
or in small
Vessels to
make Report.

And be it further enacted, That every Merchant or other Person importing any Wines in this Province, shall be allowed *Twelve per Cent* for ordinary Leakage, besides extraordinary, provided such Wines shall not have been filled up on board; and that every Hogshead, Butt or Pipe of Wine that hath two Thirds thereof leaked out, shall be accounted for Outs; and the Merchant or Importer shall pay no Duty for the same. And no Master of any Ship or Vessel shall suffer any Wines to be filled up on board, without giving a Certificate of the Quantity so filled up under his Hand, before the landing thereof, to the Commissioner or Receiver of Impost for that Port, on Pain of forfeiting the Sum of *One Hundred Pounds*. And if it may be made to appear, that any Wines imported in any Ship or Vessel, be decayed at the Time of unloading thereof, or in Twenty Days afterwards, Oath being made before the Commissioner or Receiver, that the same hath not been landed above that Time, the Duties and Impost paid for such Wines shall be repaid unto the Importer thereof.

Allowance
for Leakage.

And

Master allowed to detain Goods not entered or the Duty not paid

And be it further enacted, That the Master of every Ship or Vessel importing any Liquors, Wines, Goods, Wares or Merchandize shall be liable to pay the Impost for such and so much thereof contained in his Manifest, as shall not be duly entered, and the Duty paid for the same, by the Person or Persons to whom such Wines, Liquors, Goods, Wares or Merchandize are or shall be consigned. And it shall and may be lawful for the Master of every Ship or other Vessel, to secure and detain in his Hands, at the Owner's Risque, all such Wines, Liquors, Goods, Wares and Merchandize, imported in any Ship or Vessel, until he receives a Certificate from the Commissioner or Receiver of Impost, that the Duty for the same is paid, and until he be repaid his necessary Charges in securing the same; or such Master may deliver such Wines, Liquors, Goods, Wares and Merchandize, as are not entered, unto the Commissioner or Receiver of Impost in such Port, or his Order; who is hereby empowered and directed to receive and keep the same at the Owner's Risque until the Impost thereof, with the Charges be paid, or secured to be paid, and then to deliver such Wines, Liquors, Goods, Wares or Merchandize, as such Master shall direct.

Master liable to be sued.

And be it further enacted, That the Commissioner or Receiver of Impost, in each Port, shall be and hereby is empowered to sue the Master of any Ship or Vessel for the Impost or Duty of so much of the Lading of any Wines, Liquors, Goods, Wares or Merchandize imported therein, according to the Manifest to be by him given upon Oath, aforesaid, as shall remain not entered, and the Duty of Impost therefor not paid, or secured to be paid. And where any Goods, Wares or Merchandize are such that the Value thereof is not known, whereby the Impost to be recovered of the Master for the same cannot be ascertained, the Owner or Person to whom such Goods, Wares or Merchandize are or shall be consigned, shall be summoned to appear as an Evidence at the Court where such Suit for the Impost and the Duty thereof shall be brought, and be there required to make Oath to the Value of such Goods, Wares, or Merchandize.

Ships, &c. liable to be taken in Execution.

And be it further enacted, That the Ship or Vessel, with her Tackle, Apparel and Furniture, the Master of which shall make Default in any Thing by this Act required to be performed by him, shall be liable to answer and make good the Sum or Sums forfeited by such Master according to this Act, for any such Default, as also to make good the Impost or Duty for all Wines, Liquors, Goods, Wares and Merchandize not entered as aforesaid; or for which the Duty of Impost hath not been paid; and upon Judgment recovered against such Master, the said Ship or Vessel, with so much of the Tackle or Appurtenances thereof, as shall be sufficient to satisfy said Judgment, may be taken by Execution for the same. And the Commissioner or Receiver of the Impost is hereby empowered to make Seizure of the said Ship or Vessel, and detain the same under Seizure, until Judgment be given in any Suit to be commenced and prosecuted for any of the said Forfeitures, or for the Duty aforesaid; to the Intent that if Judgment be rendered for the Prosecutor or Informer, such Ship or Vessel and Appurtenances may be exposed to Sale for Satisfaction thereof, as is before provided, unless the Owners or some on their Behalf, for the releasing of such Ship or Vessel from under Seizure or Restraint shall give sufficient Security to the Commissioner or Receiver of

Duties of Impost and Tunnage.

of Impost that seized the same, to respond or satisfy the Sum or Value of the Forfeitures and Duties, with the Charges that shall be recovered against the Master thereof, upon such Suit to be brought for the same, as aforesaid; and the Master occasioning such Loss or Damage unto the Owners through his Default or Neglect, shall be liable unto their Action for the same.

And be it further enacted, That the Naval-Officer within any of the Ports of this Province, shall not clear or give Passes to any Master of any Ship or Vessel outward bound, until he shall be certified by the Commissioner or Receiver of Impost, that the Duty and Impost for the Goods last imported in such Ship or Vessel are paid, or secured to be paid.

Naval-Officer not to clear Vessels till Impost be paid.

AND the Commissioner or Receiver of Impost is hereby impowered to allow Bills of Store to the Master of any Ship or Vessel importing any Wines or Liquors for such private Adventures as shall belong to the Master or Seamen of such Ship or Vessel, at the Discretion of the Commissioner or Receiver, not exceeding *Three per Cent.* of the Lading, and the Duties payable by this Act for such Wines or Liquors in such Bills of Stores mentioned and expressed, shall be abated.

Bills of Store to be allowed.

AND for the more effectual preventing any Wines, Rum or other distilled Spirits being brought into the Province from the neighbouring Governments by Land, or in small Boats or Vessels, or any other Way; and also to prevent Wines, Rum or other distilled Spirits being first sent out of this Province, and afterwards brought into the Government again, to defraud the Government of the Duties of Impost;

Preamble.

Be it enacted, That the Commissioner and Receiver of the aforesaid Duties of Impost shall, and he is hereby impowered and enjoined, to appoint one or more suitable Person or Persons as his Deputy or Deputies in all such Places of this Province, where it is likely that Wine, Rum, or other distilled Spirits will be brought out of other Governments into this: Which Officers shall have Power to seize the same, unless the Owner shall make it appear that the Duty of Impost has been paid therefor since their being brought into or re-landed in this Government. And such Officer or Officers are impowered also to search in all suspected Places for such Wines, Rum, or other distilled Spirits, or for Tea, brought or re-landed in this Government, where the Duty is not paid as aforesaid, and to seize or secure the same for the Ends and Uses as in this Act is hereafter provided.

Commissioner to appoint Officers in Places where Wines, Rum, &c. may be bro't out of other Governments.

And be it further enacted, That the Commissioner or his Deputies, shall have Power to administer the several Oaths aforesaid, and search in all suspected Places for all such Wines, Rum, Liquors, Tea, Goods, Wares and Merchandize as are brought into this Province, and landed contrary to the true Intent and Meaning of this Act, and to seize the same for the Uses herein after mentioned.

Commissioner or Deputy impowered to administer the Oaths, &c.

And be it further enacted, That if the said Commissioner or his Deputy shall have Information of any Wines, Rum or other distilled Spirits, or Tea, being brought into and landed in any Place in this Province, for which the Duties aforesaid shall not have been paid after their being brought

The Commissioner or Deputy upon Information of any Liquors into being brought

into this Province and the Duty not paid to apply to a Justice for a Warrant to search, &c. into or re-landed in this Government, he may apply to any Justice of the Peace within the County for a Warrant to search such Place; and said Justice shall grant such Warrant (directed to some proper Officer) upon said Commissioner or his Deputy's making Oath that he has had Information as aforesaid; and having such Warrant, and being attended by such Officer, the said Commissioner or his Deputy, may in the Day-time between Sun-rise and Sun-setting, demand Admittance of the Person owning or occupying such Place, and upon Refusal shall have Right to break open such Place, and finding such Liquors or Tea, may seize and take the same into his own Custody: and the Commissioner aforesaid or his Deputy shall be and hereby is impowered to command Assistance, and impress Carriages necessary to secure the Liquors or Tea seized as aforesaid; and any Person refusing Assistance, or preventing any of the Officers aforesaid from executing their Office, shall forfeit *Five Pounds* to the said Commissioner; and he or his Deputy shall make reasonable Satisfaction for the Assistance aforesaid, and Carriages made use of to secure the Liquors or Tea seized as aforesaid; and the Commissioner or his Deputy shall then file an Information of such Seizure in the Inferiour Court of Common Pleas for the County where such Seizure shall be made; which Court shall summon the Owner of such Liquors or Tea, or the Occupier of such Shop, House, or Warehouse, or Distill-House, were the same were seized, to appear, and shew Cause (if any he has) why such Liquors or Tea so seized shall not be adjudged forfeited; and if such Owner or Occupier shall not shew Cause as aforesaid, or shall make default, the said Liquors or Tea shall be adjudged forfeited; and the said Court shall order them to be sold at public Vendue, and the nett Produce of such Sale shall be paid one half to the Province-Treasurer, for the Use of this Province, and the other Half to the said Commissioner.

Tunnage of Shipping.

And be it further enacted, That there shall be paid by the Master of every Ship or other Vessel coming into any Port or Ports of this Province to trade or traffick, whereof all the Owners are not belonging to this Province (excepting such Vessels as belong to *Great-Britain*, the Provinces or Colonies of *Pennsylvania*, *West and East-Jersey*, *Connecticut*, *New-York*, *New-Hampshire*, *Rhode-Island*, and *Nova-Scotia*) every Voyage such Ship or Vessel doth make, one Pound of good Pistol-Powder, for every Ton such Ship or Vessel is in Burthen; saving for that Part which is owned in *Great-Britain*, this Province, or any of the Governments aforesaid, which are hereby exempted) to be paid unto the Commissioner or Receiver of the Duties of Impost, and to be employed for the Uses and Ends aforesaid.

Vessels to be measured if suspected.

AND the said Commissioner is hereby impowered to appoint a meet and suitable Person to repair unto and on board any Ship or Vessel to take if the exact Measure and Tunnage thereof, in case he shall suspect the Register of such Ship or Vessel doth not exprets and set forth the full Burthen of the same, the Charge thereof to be paid by the Owner or Master of such Ship or Vessel before she shall be cleared, in case she shall appear to be of greater Burthen; otherwise to be paid by the Commissioner out of the Money received by him for Impost, and shall be allowed him accordingly by the Treasurer in his Accompts. And the Naval-Officer shall not clear any Vessel, until he be certified also by the Commissioner, that the Duty of Tunnage for the same is paid; or that it is such a Vessel for which none is payable according to this Act.

And

Duties of Impost and Tunnage.

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And be it further enacted, That when and so often as any Wine, Rum, or Tea, imported into this Province, the aforesaid Duty of Impost upon which shall have been paid agreeable to this Act, shall be re-shipped and exported from this Government to any other Part of the World, that then, and in every such Case, the Exporter of such Wines, or Rum, or Tea, shall make Oath at the Time of the Shipping, before the Receiver of Impost or his Deputy, That the whole of the Wine, or Rum, or Tea, so shipped, has *Bona Fide* had the Duty of Impost aforesaid paid on the same; and shall afterwards produce a Certificate from some Officer of the Customs, that the same has been landed out of this Government, or the Master of the Vessel in which the same shall be exported, shall make Oath before the Commissioner or his Deputy, That the same has been landed and left in some Port out of the Government; and the Exporter upon producing such Certificate, or upon such Oath of the Master, make Oath, That he verily believes no Part of said Wines, Rum, or Tea, has been re-landed in this Province, such Exporter shall be allowed a Draw-back from the Receiver of Impost as follows, *viz.*

Drawback for
Wine, Rum
and Tea, al-
lowed in case.

For every Pipe of Wine, *Four Shillings.*

For every Hoghead of Rum, *Seven Shillings and six Pence.*

And, For every Pound of Tea, *Four Pence.*

Provided always, That if after the shipping of such Wines, or Rum, or Tea, to be exported as aforesaid, and giving Security as aforesaid, in order to obtain the Draw-back aforesaid, the Wines, or Rum, or Tea, so shipped to be exported, or any Part thereof, shall be re-landed in this Province, or brought into the same from any other Province or Colony, that then all such Wine, Rum, and Tea, so re-landed and brought again into this Province, shall be forfeited, and may be seized by the Commissioner aforesaid or his Deputy.

Appointment
and Duty of
the Commis-
sioner.

And be it further enacted, That there be one fit Person and no more, nominated and appointed by this Court as a Commissioner and Receiver of the aforesaid Duties of Impost and Tunnage of Shipping; and for the Inspection, Care and Management of the said Office, and whatever relates thereunto, to receive Commission from the Governor or Commander in Chief for the Time being, with Authority to substitute and appoint a Deputy-Receiver in each Port or other Places besides that in which he resides, and to grant Warrants to such Deputy-Receiver for the said Place; and to collect and receive the Impost and Tunnage of Shipping as aforesaid, that shall become due within such Port; and to render the Account thereof, and to pay in the same to the said Commissioner and Receiver; which said Commissioner and Receiver shall keep fair Books of all Entries and Duties arising by virtue of this Act, also a particular Account of every Vessel, so that the Duties of Impost and Tunnage arising on said Vessel may appear; and the same to lie open at all seasonable Times to the View and Perusal of the Treasurer or Receiver-General of this Province, (or any other Person or Persons whom this Court shall appoint) with whom he shall account for all Collections and Payments; and pay all such Monies as shall be in his Hands as the Treasurer or Receiver-General shall demand it. And the said Commissioner or Receiver, and his Deputy or Deputies, before their entering upon the Execution of their said Office, shall be sworn to truly

deal truly and faithfully therein ; and shall attend in said Office from Ten of the Clock in the Forenoon until One in the Afternoon. And the said Commissioner or Receiver, for his Labour, Care and Expences in the said Office, shall have and receive out of the Province-Treasury at the Rate of *Sixty Pounds* per Annum : And his Deputy or Deputies shall receive for their Service such Sums as the Commissioner of Impost, together with the Province-Treasurer, shall judge necessary for whatever Sums they shall receive and pay. And the Treasurer is hereby ordered in passing and receiving the said Commissioner's Accounts, accordingly to allow the Payment of such Salary or Salaries as aforesaid, to himself and his Deputies.

Charges of
Prosecution
how to be
paid in case.

And be it further enacted, That all Penalties, Fines and Forfeitures accruing or arising in Consequence of any Breach of this Act, shall be one Half to his Majesty for the Use of this Province, and the other Half to him or them that shall seize, inform and sue for the same, by Action, or Information in any of his Majesty's Courts of Record, wherein no Essoign, Protection or Wager of Law shall be allowed ; the whole Charge of the Prosecution to be taken out of the Half belonging to the Informer.

Disposition of
Forfeitures.

And be it further enacted, That from and after the Commencement of this Act, in all Causes wherein any Claimant shall appear, and shall not make good the Claim, the Charges of Prosecution shall be borne and paid by the said Claimer, and not by the Informer.

C H A P. VIII.

An Act in Addition to, and in Explanation of an Act intituled *An Act for providing and maintaining two Armed Vessels to Guard the Coast, and for supplying the Treasury with seven Thousand Pounds for that End.*

WHEREAS in and by an Act made in the second Year of his Majesty's Reign intituled, An Act for providing and maintaining two Armed Vessels to Guard the Coast, and for supplying the Treasury with seven Thousand Pounds for that End, it is among other Things provided, that nothing in the said Act "shall be construed to extend to any Quantity of any of the Commodities," in the said Act mentioned, "which shall be sold for Consumption out of this Province, to any Person not belonging thereto, and the Person selling shall produce a Certificate from the Purchaser under Oath that he Bona Fide, purchased the same with Intent to carry it out of this Government, and there to be consumed." Preamble.

And whereas doubts have arisen on those Words, "to any Person not belonging thereto," and some have apprehended that altho' the said Commodities shall be sold for Consumption out of the Province, yet if they are sold to an Inhabitant of this Province, that the said Act extends to them.

Be it therefore enacted by the Governor, Council, and House of Representatives, That nothing in the said Act shall be construed to extend to any Quantity of the Commodities in said Act mentioned, which shall be sold for Consumption out of this Province. *Provided*, That the Person selling shall produce a Certificate from the Purchaser under Oath, that he Bona Fide, purchased the same with Intent that it should be carried out of this Province there to be consumed, and that he verily believes it has been carried out of the Province, and that for ought he knows has been or will be there consumed accordingly. Inhabitants selling Teas, &c. to be carried out of the Province, not to pay the Excise.

C H A P. IX.

An Act for altering the Time for holding the Superior Court of Judicature, Court of Assize and General Goal Delivery at *Charlestown* in the County of *Middlesex* this present Year.

BE it enacted by the Governor, Council and House of Representatives, That the Superior Court of Judicature, Court of Assize and General Goal Delivery shall not be holden at *Charlestown* for the County of *Middlesex* on the last Tuesday of *January* this present Year, but a Superior Court of Judicature, Court of Assize and General Goal Delivery shall be holden at said *Charlestown* for the said County on the third Tuesday of *April* in the same Year. Superior Court to be held at *Charlestown* on the 3d Tuesday in *April* 1765.

X x x

And

Appeals, &c.
made return-
able to third
Tuesday
in April 1765.

And be it further enacted, That all Appeals, Writs of Review, Executions, and all Recognizances, Warrants, Processes, Matters or Things whatsoever returnable to, or which might have been proceeded on, adjudged and determined at the said Court on the said last Tuesday in January, shall be in like manner returnable to, and may in like manner be proceeded on, adjudged and determined at the said Court to be holden on the third Tuesday in April, any Law, Usage or Custom to the contrary notwithstanding.

C H A P. X.

An Act in addition to an Act intituled, *An Act for enabling the Proprietors of the Lands in the Town of Bernardston, to raise Monies to pay the Debts due from them.*

Preamble.

WHEREAS in pursuance of an Act intituled, "*An Act for enabling the Proprietors of the Lands in the Town of Bernardston to raise Monies to pay the Debts due from them:*" a Meeting of said Proprietors was held on the twenty-sixth of September last, (which said Meeting stands adjourned to the twentieth Day of February this present Year) And the said Proprietors were impowered at their Meeting to pass such Votes as might appear necessary for the granting, raising, assessing, levying and collecting such Sums as they are indebted, together with such further Sums as they might think proper, for defreying the Expences which are mentioned in the said Act, but no Provision is made in the said Act to enable the said Proprietors to call to an Account their Collectors and Treasurers; and it appears that several Taxes have been granted, assessed and committed to the Collectors to collect, which have been only partially collected, and considerable Sums of Money paid into their Treasurers, which have not been accounted for.

Committee to
call to ac-
count former
Collectors of
Taxes and
Treasurers

and to com-
pleat the Col-
lections.

Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives, That the said Proprietors, at the Time to which their Meeting stands adjourned, to wit, on the twentieth Day of February this present Year, or at any after Adjournment of the said Meeting, be and hereby are fully authorized and impowered to choose a Committee to call to an account all former Collectors and Treasurers of the said Proprietors or their Heirs respectively, in the same manner as the said Proprietors might have done by Law before they were incorporated into a Town; and the same Committee is further impowered to compleat the Collections of all former Taxes, and to proceed in such manner as is provided in an Act intituled, *An Act to subject the unimproved Lands within this Province to be sold for the Payment of Taxes, made in the second Year of his present Majesty's Reign.*

And whereas by a Resolve of the General Court heretofore made, the Proprietors were directed to raise their Taxes upon their Lands that were to be laid out in two Draughts, which were to be laid out in Pitches, some of which are laid out, others the particular Proprietors neglect to lay out, and by that means they will escape paying the proportion of Taxes, unless Provision be made therefor by this Court.

Destruction of Oysters.

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Be it therefore further enacted, That in all future Taxes raised on said Proprietors, the Assessors shall from time to time tax the Proprietors Lands (in said Division or Draughts) not laid out, in the same manner as those already laid out; and the method of collecting the Taxes on said Draughts (in case the Owners fail of duly paying their Taxes) shall be the same as by Law provided in other cases, except such wherein the whole Draught shall be sold for Payment of any tax: in which case the overplus of the Sale (if any be) after the Tax and all reasonable Charges are deducted, shall within three Months from the Sale, upon Demand thereof, be reimbursed by the Assessors to the Owner of the Draught so sold.

Lands to be
taxed tho' not
laid out.

C H A P. XI.

An Act to prevent the Destruction of Oysters in the several Bays and Rivers hereafter mentioned, within this Province.

WHEREAS it hath been the practice for some Years past, for Persons to come with their Vessels and Boats into the Rivers and Bays lying either in the Towns of Wellfleet, Freetown, Swanzy, Dartmouth, Barnstable, Yarmouth and in other of the Bays, Ports and Rivers in this Province, then and there to Rake the Oyster-Beds, carry away from thence large Quantities of Oysters, by means whereof said Beds are almost destroyed, to the great Prejudice both of the English and Indian Inhabitants living in or near to the Towns aforesaid.

Preamble.

For Remedy whereof;

Be it enacted by the Governor, Council and House of Representatives, That if any Person or Persons shall at any Time after the twenty-fifth of March next, presume to take any Oysters or to Rake or Sweep any of the Oyster Beds lying either in the Rivers or Bays in either of the Towns of Wellfleet, Freetown, Swanzy, Dartmouth, Barnstable, Yarmouth, or in any of the Bays, Ports or Rivers in this Province, without leave first had and obtained from the Selectmen or the major Part of them, (in Writing under their Hands) in such Town where the Oysters may be taken, or where the Beds may be Raked or Swepted as aforesaid, every Person so offending shall forfeit and pay a Sum not exceeding Ten Pounds, nor under Forty Shillings, to be Recovered by Action, Information or Presentment of a Grand Jury in any of his Majesty's Courts of Record proper to try the same; unless the Prosecutor shall see Cause to bring the Tryal before a Justice of the Peace, in which Case the Justice may try the same, and the Fine shall be Forty Shillings and no more, one Third thereof to and for the Use of him that shall inform or sue for the same, the other two Thirds for the Use of the Poor of the Town where the offence shall be committed.

No Person to
sweep any
Oyster Beds
without leave
from the Se-
lectmen, &c.

Penalty.

Provided nevertheless, nothing in this Act shall be understood to hinder any Inhabitant in this Province from taking Oysters for their own Eating or for Market in their own Town, without leave from the Selectmen as aforesaid, provided the same be not sent out of the Province.

Proviso for In-
habitants to
take for their
own eating.

Limitation.

This Act to Continue and be in Force for the space of three Years from the twenty-fifth of March next, and no longer.

CHAP.

C H A P. XII.

An Act for preventing the unnecessary Destruction of Alewives and other Fish within this Province.

Preamble.

W H E R E A S the Laws already provided against the Destruction of Fish called Alewives and other Fish do not in divers Circumstances reach the Case of divers Rivers and Ponds where said Fish usually go to cast their Spawn, so that great Waste is made of them by ill-minded Persons, to the great Damage of the Publick :

No Person to draw Seines, &c. or set up Weares in any Rivers but in Connecticut and Merrimack Rivers.

Penalty.

Be it enacted by the Governor, Council and House of Representatives, That from and after the Fifteenth Day of March next no Person or Persons whosoever shall on any Pretence presume to stretch, set or draw any Siene or Drag-Net, or set up any Weares or other Fishing Engines in any Part of the Rivers or Ponds adjacent thereto, within this Province (Merrimack and Connecticut Rivers only excepted) where the Fish usually spawn, or use any other Instrument for the catching of Alewives but by Dip-Nets or Scoop-Nets, on Penalty of a Fine of Five Pounds for each Offence, to be paid by every Person concerned in taking Alewives or other Fish in either of the Ways forbidden by this Act.

or in any Ponds.

And be it further enacted, That no Person or Persons whosoever shall on any Pretence presume to stretch, set or draw any Seine or Drag-Net for the catching of Fish of any sort in any of the fresh Ponds in this Province, on Penalty of the Fine of Five Pounds for each Offence, to be paid by every Person concerned in taking Fish in said Ponds, in either of the Ways forbidden by this Act ; and the Seine or Net may be seized by any Person or Persons, and shall be forfeited.

Preamble, reciting a defect in a former Act.

AND WHEREAS by an Act or Law of this Province, made in the Fifteenth Year of his late Majesty's Reign, intituled, " An Act in Addition to an Act made to prevent the Destruction of Fish called Alewives and other Fish, " it is therein enacted, " That it shall be in the Power of any Town at their annual Meeting in March to choose one or more Persons, whose Business it shall be to see that the Passage-Ways are open, pursuant to said Act, and that said Fish may not be obstructed in their usual passing up and down Stream, and to appoint the proper Place or Places for the taking such Fish with Scoop-Nets, and to limit the particular Times and Days for taking the same " : But no Provision is made in said Act to oblige the Persons so chosen, to serve in said Business. or to do their Duty therein ; neither is there any Limitation as to the Quantities of said Fish that shall be taken in each Town for pickelling and barrelling for a Market, by Reason whereof many Mischiefs arise :

Persons chosen to see the Act executed to be under Oath.

Be it therefore enacted, That when any Person or Persons shall be chosen in any Town, at their annual Meeting in March, to see that Passage-Ways are open, agreeable to the aforecited Paragraph of said Act, that every such Person shall be under Oath to the faithful Performance of said Trust ; and any Person chose as aforesaid, shall, on his Refusal, be subject to the Penalty of Three Pounds ; and to be proceeded with in order to the Recovery thereof in the same Way and Manner as Persons are by Law who refuse to serve as Constables. *And*

Alewives and other Fish.

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And be it further enacted, That where any Town, District, or Propriety, that hath any River or Stream that lets the Alewives into their natural Ponds to cast their Spawns, have a Desire to catch any of said Fish to pickle and barrel up for a Market, that in every such Case, where said River or Stream runs through or into more Towns, Districts or Proprieties than one, except where the Right of taking Fish is otherwise vested, the Selectmen of the said several Towns, Districts, and a Committee of the Proprietors that are or may be affected thereby, shall sometime in the Month of *March* annually, during the Continuance of this Act, meet together at such Time and Place as the Selectmen of the oldest Town shall agree upon, and then determine what Quantity of Alewives shall be barrelled up from Year to Year for a Market, in the several Towns, Districts, or Proprieties they belong to, the Votes to be collected, according to the major Part of those that represent the Towns, Districts and Proprieties said Streams pass through or run into (and not according to the Number of the Voters); and when so done the Selectmen of each Town, District or Proprietor's Committee are hereby impowered to let out the said Privilege for the most it will fetch, for the Use of their several Towns, Districts, or Proprieties, in such Way and Manner as they shall judge most beneficial; and where any Town, District, or Propriety have a Stream or Streams as aforesaid that do not run into any other Town, District, or Propriety, that in such Case the Selectmen or Proprietors Committee shall have the sole Power from Year to Year, during the Continuance of this Act, to determine what Number of Barrels shall be caught for a Market as aforesaid, and shall have the same Power of letting out and improving the said Rivers or Streams, in the same Manner as beforementioned, where the Town, District, or Propriety join as aforesaid.

Selectmen to determine the Quantity of Fish to be taken.

to let out the Privilege.

Be it further enacted, That if any Person or Persons shall presume to catch any Alewives for Marketing, contrary to the Allowance or Order of the Selectmen and said Propriety's Committee where Proprieties are concerned, or the Selectmen where no Propriety is concerned, or Propriety where they are only concerned, they shall every of them be subjected to the Penalty of *Five Pounds* for each Offence.

Penalty on taking the Fish otherwise.

AND WHEREAS some Disputes have arisen or may arise whether Tide Mills that have or shall be set up on or across the Mouth of the Rivers where the Fish aforesaid usually go up into the natural Ponds to cast their Spawns, are within the Intent of the last-recited Act, and ought to be regulated accordingly :

Preamble.

Be it enacted, That all Tide-Mills that have been erected across any such Rivers or Streams since the making of the aforesaid Act, or that shall hereafter be so erected, shall be understood to be comprehended in said Act, and the Owners and Occupants and all others concerned, shall conform thereto accordingly, and be subject to the same Penalties for their Neglect as if Tide-Mills had particularly been named in said Act.

Tide-Mills comprehended.

And all the aforesaid Fines, Penalties and Forfeitures arising for any Breach of this Act, shall be disposed of the one Half to His Majesty for the Use of this Government, the other Half to him or them that shall inform and sue for the same.

Penalties disposed of.

Method of
conviction.

And be it further enacted, That the Manner, Rules and Methods of convicting Offenders against this Act be the same as are directed and provided in and by an Act made in the Twelfth Year of the Reign of His Majesty King GEORGE the First, intitled, "*An Act in Addition to*" and for rendering more effectual an Act made in the Tenth Year of the "*Reign of King WILLIAM the Third, intitled, "An Act for preventing*" *Trespases.*" And that the Grand Jurors in the respective Counties present all Breaches of this Act.

Proviso re-
specting Mun-
hadens.

Provided, That nothing in this Act shall be understood to restrain the catching of Fish called Munhadens with Seines or Drag-Nets after the First Day of June and until the First Day of October annually, or in Connecticut River at any Time of the Year.

Proviso re-
specting Mer-
rimack & Mystic
Rivers.

Provided also, That nothing in this Act shall be construed to extend to Merrimack River, or to any of the Streams and Rivers running into the same : And that the Fish aforesaid may be taken in the River commonly called Mistick River two Days in a Week, viz. on Monday and Thursday, with one Seine, and one Draught only in each Day : And that the said Fish shall not be taken in the Towns of Cambridge or Charlestown on more than three Days in a Week, from Three to Eight of the Clock in the Afternoon, with Scoop-Nets only, and that not in more than two Places in each Town, such Places to be assigned by the Selectmen of said Towns : And that all such Fish as the Selectmen of the Towns of Charlestown, Cambridge, and Medford shall agree to be taken for Sale, shall be equally divided between the said three Towns.

Proviso re-
specting
Charles River
Neponset River
Saugus and
Taunton Ri-
vers.

Provided also, That during the Continuance of this Act, any Thing therein contained to the contrary notwithstanding, it shall and may be lawful for any Person or Persons to catch Alewives or other Fish by Seines or Drag-Nets in Charles River in the County of Middlesex, and Neponset River in the County of Suffolk three Days in a Week, the Days to be Monday, Wednesday and Friday ; and in Saugus River in Lynn in the County of Essex, two Days in a Week, viz. Monday and Thursday, by drawing two Seines once in each Day, at said Saugus River : And in Taunton great River in the County of Bristol, two Days in a Week, viz. Monday and Thursday, by drawing two Seines for each Town ; after it shall be known that Alewives have been taken at Middleborough in the Spring of the Year annually.

Continuation.

This Act to continue and be in Force for One Year from the Fifteenth Day of March Instant.

C H A P. XIII.

An Act for reviving and continuing sundry Laws that are expired or near expiring.

WHEREAS the several Acts herein after mentioned, which are expired or near expiring, have been found useful and beneficial, namely, One Act made in the Ninth and Tenth Years of the Reign of King GEORGE the Second, intituled, An Act to enable the Overseers of the Poor and Selectmen to take Care of idle and disorderly Persons : Two Acts made in the Twenty-ninth Year of the same Reign ; one intituled, An Act for preventing Petitions to the General Court relating to Licences for Retailing strong Drink, and keeping Houses of publick Entertainment : the other, intituled, An Act in Addition to the several Acts and Laws of this Province now in Force respecting poor and idle, disorderly and vagrant Persons : Two Acts made in the Thirty-third Year of the same Reign ; one intituled, An Act relating to Ferries : the other intituled, An Act to enable the Town of Weymouth to regulate and order the taking and disposing the Fish called Shadd and Alewives within the Limits of that Town : One Act made in the second Year of his present Majesty's Reign, intituled, An Act for rendering more effectual the Laws already made relating to Shingles, and for regulating the Assize of Staves, Hoops and Clapboards :

Acts revived.
to enable Overseers of the Poor, &c.
for preventing Petitions to the General Court,
respecting poor & disorderly Persons,
Ferries.
Weymouth Fish Act.
regulating Assize of Shingles, &c.

Be it therefore enacted by the Governor, Council, and House of Representatives, That such of the beforementioned Acts as are expired, be revived, and such of the said Acts as are not yet expired, be continued, with all and every Article, Clause, Matter and Thing therein respectively contained, and shall be in Force until the Twenty-fifth Day of March, which will be in the Year of our Lord One thousand seven hundred and seventy.

Continuation.

The foregoing Acts were published February 28. 1765.

B O S T O N ; N E W - E N G L A N D :

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since the last list was published.
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in which they were received.
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The first part contains the names
of the authors and the titles of
the books. The second part contains
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